

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 912, "An Act further regulating the sale, transportation, storage, manufacture, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by repealing Subsection (d) of Section 3, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 1 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature; by amending Sections 11, 12, 15-b, 15c, 17, 32, 33, 35, 37, 38, 39, 41 and 45, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature; by amending said Act by adding to Article I thereof Sections 32-a, 39-a, 43, and 43-a providing for the holding of local option elections, regulating the issuance and transfer of licenses and permits and defining certain terms; by amending Sections 3, 6, 7, 19, 22, 23, and 26, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and as further amended by Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature; by amending said Act by adding to Article II thereof Section 5-a, 10½-a, and 19-a, establishing qualifications for beer license; conferring upon cities and towns in this State the power to impose additional regulations upon the sale of alcoholic beverages; providing penalties for violations of said Act; providing for discount on purchase of alcoholic beverage stamps; providing for Senate confirmation of Administrator; providing saving clauses, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 231, "An Act to protect trade-mark owners, distributors, and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair trade; providing that no contract, if not in violation of Chapter 3, Title 19, Penal Code of the State of Texas or Title 126, Revised Civil Statutes of Texas, 1925, and if made for a period not in excess of two (2) years from the date of execution, shall be deemed in violation of any law of the State of Texas by reason of certain provisions therein; defining certain terms; making certain exceptions; making certain acts unlawful and providing a penalty therefor; regulating contracts of nonresidents; providing the Act shall not be construed as affecting laws defining and prohibiting trusts, monopolies, and conspiracies against trade, with particular reference to Chapter 3, Title 19, Penal Code of Texas, and Title 126, Revised Civil Statutes of Texas, 1925; providing a saving clause; providing a title, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

June 19, 1939

House Bill No. 1078

House Bill No. 231

House Bill No. 1112

House Concurrent Resolution No. 195

House Concurrent Resolution No. 196

EIGHTY-SIXTH DAY

(Tuesday, June 20, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker
Allen

Allison
Alsup

Anderson	Hartzog
Bailey	Heflin
Baker	Holland
of Fort Bend	Howard
Baker of Grayson	Howington
Bell	Hull
Blankenship	Hunt
Boethel	Isaacks
Bond	Johnson of Ellis
Boyd	Johnson of Tarrant
Boyer	Keith
Bradbury	Kennedy
Bradford	Kern
Bray	Kerr
Bridgers	Kersey
Broadfoot	Kinard
Brown of Cherokee	King
Brown	Langdon
of Nacogdoches	Lehman
Bundy	Leonard
Burkett	Leyendecker
Burney	Little
Cauthorn	Lock
Celaya	Loggins
Chambers	London
Clark	Mays
Cleveland	McAlister
Cockrell	McDaniel
Coleman	McDonald
Colquitt	McFarland
Colson, Mrs.	McMurry
Cornett	McNamara
Corry	Mohrmann
Crossley	Monkhouse
Daniel	Montgomery
Davis of Jasper	Morris
Davis of Upshur	Newell
Dean	Nicholson
Derden	Oliver
Dickison	Pace
Dickson	Petsch
Donaghey	Pevehouse
Dowell	Piner
Dwyer	Pope
Faulkner	Ragsdale
Felty	Reader of Bexar
Ferguson	Reader of Erath
Fielden	Reaves
Fuchs	Reed
Galbreath	Rhodes
Gilmer	Riviere
Goodman	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Schuenemann
Hardeman	Segrist
Haridn	Shell
Harp	Skiles
Harper	Smith of Frio
Harrell of Bastrop	Smith of Hopkins
Harrell of Lamar	Smith
Harris	of Matagorda

Spencer	Voigt
Stinson	Waggoner
Stoll	Weldon
Talbert	Wells
Tarwater	Westbrook
Taylor	White
Tennant	Wilson
Thornberry	Winfree
Thornton	Wood
Turner	Worley
Vale	Wright
Vint	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"It is to Thee, our Heavenly Father, that we owe our many blessings, and to Thee we give praise for every good within us. Wilt Thou lead us today as we tread paths new and old; and may the words of our mouths and the meditations of our hearts be acceptable unto Thee, O, Lord, our God and our Redeemer. In Jesus' name. Amen."

PROVIDING FOR ADDITIONAL
APPROPRIATION FOR COM-
MITTEE PURSUANT TO
HOUSE SIMPLE
RESOLUTION
NO. 292

Mr. Bradbury offered the following resolution.

H. S. R. No. 323, Providing for additional appropriation for certain committee.

Whereas, The House has heretofore adopted House Simple Resolution No. 292, which created a Committee of five (5) members to study the rate making procedure of the Board of Insurance Commissioners, its methods and operation, and to ascertain the facts relative to the various types of insurance and the rates which have been fixed by the Board from time to time, and which are now effective, together with such other pertinent information as may be enlightening to the Legislature in regard to these matters; and

Whereas, The resolution carried a stipulation that the sum of One Thousand (\$1,000.00) Dollars, or so much thereof as might be necessary be appropriated for such purpose; and

Whereas, After more mature consideration and temporary surveys it is found that the Committee will have to make a more extensive investiga-

tion than was first thought, many witnesses will have to be called, and that the stenographic reports will be voluminous, and that more than One Thousand (\$1,000.00) Dollars will be needed to make an adequate investigation report such as this House deems necessary; now, therefore, be it

Resolved, That an additional Fifteen Hundred (\$1,500.00) Dollars, or so much thereof as may be necessary is hereby appropriated for the purpose of this investigation from the Contingent Expense Fund of the House, and that all vouchers must be signed by the Chairman of the Committee, countersigned by the Speaker of the House of Representatives, and the Chairman of the Committee on Contingent Expense, this making a total of Twenty-five Hundred (\$2,500.00) Dollars to be used for the purposes herein stated, and to be paid out as hereinabove referred to.

BRADBURY,
PETSCH,
HEFLIN,
COLQUITT,
KINARD.

The resolution was read second time.

Mr. Davis of Upshur moved to table the resolution.

The motion to table was lost.

Mr. Worley offered the following amendment to the resolution:

Amend House Simple Resolution No. 323, by striking out the words and figures "\$1,500.00" and inserting in lieu thereof the following "\$500.00".

(Pending consideration of the amendment, Mr. Little occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Kern raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Petsch moved that the Rule, relative to the consideration of resolutions, be suspended until the above resolution is disposed of.

The motion prevailed by the following vote:

Yeas—93

Anderson
Bailey

Baker
of Fort Bend

Baker of Grayson	King
Bell	Langdon
Boethel	Lehman
Bond	Lock
Boyd	London
Bradbury	McAlister
Bradford	McDaniel
Bridgers	McDonald
Broadfoot	McFarland
Brown	McMurry
of Nacogdoches	McNamara
Burkett	Monkhouse
Burney	Montgomery
Cauthorn	Newell
Celaya	Oliver
Clark	Pace
Cockrell	Piner
Coleman	Ragsdale
Colquitt	Reader of Bexar
Colson, Mrs.	Reader of Erath
Cornett	Reaves
Corry	Reed
Crossley	Riviere
Derden	Roach
Dickison	Robinson
Donaghey	Russell
Dowell	Schuenemann
Faulkner	Segrist
Fielden	Skiles
Fuchs	Smith of Frio
Galbreath	Smith
Gilmer	of Matagorda
Gordon, Mrs.	Spencer
Hale	Stinson
Hardeman	Tarwater
Harp	Taylor
Harper	Thornberry
Harrell of Lamar	Turner
Heflin	Voigt
Holland	Waggoner
Hull	Weldon
Hunt	Wells
Johnson of Ellis	White
Johnson of Tarrant	Wilson
Kersey	Winfree
Kinard	Wood

Nays—38

Allen	Hamilton
Allison	Hardin
Alsup	Harrell of Bastrop
Blankenship	Harris
Boyer	Howington
Bray	Keith
Brown of Cherokee	Kennedy
Bundy	Kern
Chambers	Kerr
Cleveland	Mohrmann
Davis of Jasper	Morris
Davis of Upshur	Pevehouse
Dickson	Rhodes
Felty	Roberts
Ferguson	Shell

Smith of Hopkins	Vint
Stoll	Westbrook
Talbert	Worley
Tennant	Wright

Absent

Daniel	Leyendecker
Dean	Little
Dwyer	Loggins
Goodman	Mays
Hankamer	Nicholson
Hartzog	Petsch
Howard	Pope
Isaacks	Thornton
Leonard	Vale

Question recurring on the amendment by Mr. Worley, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—66

Allen	Lehman
Allison	London
Alsup	Mays
Anderson	McDaniel
Bailey	McNamara
Blankenship	Mohrmann
Broadfoot	Montgomery
Brown of Cherokee	Morris
Bundy	Newell
Burkett	Oliver
Chambers	Pace
Cleveland	Pevehouse
Colson, Mrs.	Ragsdale
Corry	Reed
Davis of Upshur	Roach
Dickison	Roberts
Dwyer	Russell
Ferguson	Segrist
Fuchs	Smith of Hopkins
Hamilton	Stinson
Harp	Stoll
Harper	Talbert
Harrell of Bastrop	Tarwater
Harrell of Lamar	Taylor
Harris	Thornton
Howington	Turner
Johnson of Ellis	Vint
Keith	Wells
Kennedy	Westbrook
Kern	White
Kerr	Wood
King	Worley
Langdon	Wright

Nays—64

Baker	Bond
of Fort Bend	Boyd
Baker of Grayson	Boyer
Bell	Bradbury
Boethel	Bradford

Brown	Kersey
of Nacogdoches	Kinard
Burney	Lock
Cauthorn	McAlister
Celaya	McFarland
Clark	McMurry
Cockrell	Monkhouse
Coleman	Petsch
Colquitt	Piner
Cornett	Pope
Davis of Jasper	Reader of Bexar
Derden	Reader of Erath
Dickson	Reaves
Donaghey	Rhodes
Dowell	Riviere
Faulkner	Robinson
Felty	Schuenemann
Galbreath	Shell
Gilmer	Skiles
Hale	Smith
Hankamer	of Matagorda
Hardeman	Spencer
Hardin	Thornberry
Hartzog	Voigt
Heflin	Waggoner
Holland	Weldon
Hull	Wilson
Hunt	Winfree
Johnson of Tarrant	

Present—Not Voting

Bray

Absent

Bridgers	Leonard
Crossley	Leyendecker
Daniel	Little
Dean	Loggins
Fielden	McDonald
Goodman	Nicholson
Gordon, Mrs.	Smith of Frio
Howard	Tennant
Isaacks	Vale

Mr. Bond offered the following amendment to the resolution:

Amend House Simple Resolution No. 323, by adding the words and figures "and Five Hundred (\$500.00) Dollars additional to the committee investigating the State Penitentiary System", after the words and figures "Fifteen Hundred (\$1,500.00) Dollars" where the same appears in the resolution.

Mr. Davis of Upshur raised a point of order, on further consideration of the amendment, at this time, on the ground that the amendment is not germane to the resolution.

The Speaker sustained the point of order.

Question recurring on the resolution by Mr. Bradbury, it was adopted.

Mr. Bradbury moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO HOUSE BILL NO. 1096

On motion of Mr. Wood, and by unanimous consent of the House, the caption of House Bill No. 1096 was ordered amended to conform to all changes and with the body of the bill.

RELATIVE TO SENATE JOINT RESOLUTION NO. 12

Mr. Thornton moved to suspend the necessary Rules, in order to permit debate on a motion to suspend the necessary Rules for the purpose of making a motion to reconsider the vote by which Senate Joint Resolution No. 12 has heretofore failed to pass.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—90

Allen	Hankamer
Allison	Hardin
Alsup	Harp
Anderson	Harper
Baker of Grayson	Harrell of Bastrop
Bond	Harrell of Lamar
Boyer	Hartzog
Bradford	Holland
Bray	Howard
Broadfoot	Howington
Brown of Cherokee	Hull
Bundy	Johnson of Ellis
Burkett	Johnson of Tarrant
Celaya	Kennedy
Chambers	Kersey
Clark	Kinard
Cleveland	King
Colquitt	Lehman
Colson, Mrs.	Leonard
Corry	Little
Crossley	Lock
Daniel	Loggins
Davis of Jasper	McAlister
Dean	McDaniel
Dickson	McDonald
Donaghey	McFarland
Dwyer	McMurry
Faulkner	McNamara
Felty	Monkhouse
Ferguson	Montgomery
Fuchs	Nicholson
Gilmer	Oliver
Goodman	Pace
Hamilton	Petsch

Pevehouse	Spencer
Pope	Stinson
Ragsdale	Taylor
Reed	Thornton
Rhodes	Turner
Roberts	Vale
Schuenemann	Voigt
Segrist	Westbrook
Shell	Wilson
Smith of Frio	Wood
Smith of Hopkins	Wright

Nays—59

Bailey	Kerr
Baker	Langdon
of Fort Bend	Leyendecker
Bell	London
Blankenship	Mays
Boethel	Mohrmann
Boyd	Morris
Bradbury	Newell
Bridgers	Piner
Brown	Reader of Bexar
of Nacogdoches	Reader of Erath
Burney	Reaves
Cauthorn	Riviere
Cockrell	Roach
Coleman	Robinson
Cornett	Russell
Davis of Upshur	Skiles
Derden	Smith
Dickison	of Matagorda
Dowell	Stoll
Fielden	Talbert
Galbreath	Tarwater
Gordon, Mrs.	Tennant
Hale	Thornberry
Hardeman	Vint
Harris	Waggoner
Heflin	Weldon
Hunt	Wells
Isaacks	White
Keith	Winfree
Kern	Worley

(Pending addresses on personal privilege, Mr. Hull and Mr. Allison occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Thornton then moved that all necessary Rules be suspended, in order that a motion might be made to reconsider the vote by which Senate Joint Resolution No. 12 heretofore failed to pass.

The roll of the House was called, on the above motion, and the vote announced, as follows: Yeas, 94; Nays, 52.

A verification of the vote was requested.

Mr. Wells moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—95

Allen	Kersey
Allison	Kinard
Alsup	Lehman
Anderson	Leonard
Bailey	Little
Baker of Grayson	Lock
Bond	Loggins
Boyer	McAlister
Bradford	McDaniel
Bray	McDonald
Broadfoot	McFarland
Brown of Cherokee	McMurry
Bundy	McNamara
Burkett	Monkhouse
Celaya	Montgomery
Chambers	Newell
Clark	Nicholson
Cleveland	Oliver
Colquitt	Pace
Colson, Mrs.	Petsch
Corry	Pevehouse
Crossley	Pope
Davis of Jasper	Ragsdale
Dean	Reader of Bexar
Dickson	Reader of Erath
Donaghey	Reed
Dwyer	Rhodes
Faulkner	Roberts
Felty	Robinson
Ferguson	Schuenemann
Fuchs	Segrist
Gilmer	Shell
Goodman	Smith of Frio
Hale	Smith of Hopkins
Hankamer	Smith
Hardin	of Matagorda
Harp	Spencer
Harper	Stinson
Harrell of Bastrop	Taylor
Harrell of Lamar	Tennant
Hartzog	Thornton
Holland	Turner
Howard	Vale
Howington	Voigt
Hull	Westbrook
Johnson of Ellis	Wilson
Johnson of Tarrant	Worley
Kennedy	Wright

Nays—54

Baker	Boethel
of Fort Bend	Boyd
Bell	Bradbury
Blankenship	Bridgers

Brown	King
of Nacogdoches	Langdon
Burney	Leyendecker
Cauthorn	London
Cockrell	Mays
Coleman	Mohrmann
Cornett	Morris
Daniel	Piner
Davis of Upshur	Reaves
Derden	Riviere
Dickison	Roach
Dowell	Russell
Fielden	Skiles
Galbreath	Stoll
Gordon, Mrs.	Talbert
Hamilton	Tarwater
Hardeman	Thornberry
Harris	Vint
Heflin	Waggoner
Hunt	Weldon
Isaacks	Wells
Keith	White
Kern	Winfree
Kerr	Wood

The Speaker announced that the motion to suspend the Rules was lost by the above vote (not receiving the necessary two thirds vote).

ADOPTION OF CONFERENCE
COMMITTEE REPORT
ON HOUSE BILL
NO. 971

Mr. Harper submitted the following Conference Committee Report on House Bill No. 971:

Austin, Texas, May 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 971, have met and beg leave to recommend that said House Bill No. 971 be passed in the form hereto attached.

Respectfully submitted,

BECK,
PACE,
BURNS,
MOORE,
COTTEN,

On the part of the Senate.

WHITE,
HARPER,
CORNETT,
READER of Bexar,
On the part of the House.

H. B. No. 971

A BILL

To Be Entitled

An Act authorizing and empowering the Commissioners' Court to fix the compensation of the sheriff, tax collector-assessor, county clerk, county judge, district clerk, and county attorney in all counties in this State having a population of not less than forty-eight thousand, five hundred and thirty (48,530) and not more than forty-eight thousand, nine hundred and thirty (48,930), according to the last preceding Federal Census; fixing maximum and minimum salaries for such officers; fixing the mode and manner of the payment of such salaries; fixing the effective date of this Act; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That from and after January 1, 1940, being the effective date of this Act in all counties in this State having a population of not less than forty-eight thousand, five hundred and thirty (48,530) and not more than forty-eight thousand, nine hundred and thirty (48,930), according to the last preceding Federal Census, the Commissioners Courts shall have the power and authority to fix the salaries of the sheriff, the tax assessor-collector, the county clerk, the county judge, the district clerk, and the county attorney; provided, however, that the salary of the sheriff shall not be fixed in excess of the sum of Four Thousand, Two Hundred and Fifty (\$4,250.00) Dollars per annum, nor less than the sum of Three Thousand, Six Hundred (\$3,600.00) Dollars per annum; the salary of the tax assessor-collector shall not be fixed in excess of the sum of Four Thousand (\$4,000.00) Dollars per annum, nor less than the sum of Three Thousand, Six Hundred (\$3,600.00) Dollars per annum; the salary of the county clerk shall not be fixed in excess of the sum of Four Thousand (\$4,000.00) Dollars per annum, nor less than the sum of Three Thousand, Three Hundred (\$3,300.00) Dollars per annum; the salary of the county judge shall not be fixed in excess of the sum of Three Thousand, Two Hundred (\$3,200.00) Dollars per annum, nor less

than the sum of Two Thousand, Seven Hundred (2,700.00) Dollars per annum; the salary of the district clerk shall not be fixed in excess of the sum of Three Thousand, Three Hundred (\$3,300.00) Dollars per annum, nor less than the sum of Two Thousand, Seven Hundred (\$2,700.00) Dollars per annum; the salary of the county attorney shall not be fixed in excess of the sum of Three Thousand (\$3,000.00) Dollars per annum, nor less than the sum of Two Thousand, Seven Hundred (\$2,700.00) Dollars per annum.

Sec. 2. All such salaries shall be paid in twelve (12) equal installments per year, and paid from funds now provided by law for payment of such officials.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict only.

On motion of Mr. Harper, the Report was adopted by the following vote:

Yeas—138

Allen	Davis of Jasper
Allison	Davis of Upshur
Alsup	Dean
Anderson	Derden
Bailey	Dickison
Baker	Dickson
of Fort Bend	Dowell
Baker of Grayson	Dwyer
Bell	Faulkner
Blankenship	Ferguson
Boethel	Fielden
Bond	Fuchs
Boyd	Galbreath
Boyer	Goodman
Bradbury	Gordon, Mrs.
Bradford	Hale
Bray	Hamilton
Bridgers	Hankamer
Broadfoot	Hardman
Brown of Cherokee	Hardin
Bundy	Harp
Burkett	Harper
Burney	Harrell of Bastrop
Cauthorn	Harrell of Lamar
Celaya	Harris
Chambers	Hartzog
Clark	Heflin
Cleveland	Holland
Cockrell	Howington
Coleman	Hull
Colquitt	Hunt
Colson, Mrs.	Isaacks
Cornett	Johnson of Ellis
Crossley	Johnson of Tarrant
Daniel	Keith

Kennedy	Reed
Kern	Rhodes
Kerr	Riviere
Kersey	Roach
Kinard	Roberts
King	Robinson
Langdon	Russell
Lehman	Schuenemann
Leonard	Segrist
Leyendecker	Shell
Little	Skiles
Lock	Smith of Frio
Loggins	Smith of Hopkins
London	Spencer
McAlister	Stinson
McDaniel	Stoll
McDonald	Tarwater
McFarland	Taylor
McMurry	Tennant
McNamara	Thornberry
Mohrmann	Thornton
Monkhouse	Turner
Montgomery	Vale
Morris	Vint
Newell	Voigt
Nicholson	Waggoner
Oliver	Weldon
Pace	Wells
Petsch	Westbrook
Pevehouse	Wilson
Piner	Winfree
Pope	Wood
Reader of Bexar	Worley
Reader of Erath	Wright
Reaves	

Present—Not Voting

Brown
of Nacogdoches

Absent

Corry	Ragsdale
Donaghey	Smith
Felty	of Matagorda
Gilmer	Talbert
Howard	White
Mays	

**ADOPTION OF CONFERENCE
COMMITTEE REPORT
ON SENATE BILL
NO. 179**

Mr. Russell submitted the following Conference Committee Report on Senate Bill No. 179:

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on Senate Bill No. 179, have

had the same under consideration and beg leave to recommend that said Senate Bill No. 179 be passed in the form hereto attached.

Respectfully submitted,

**METCALFE,
SHIVERS,
SMALL,
HILL,**

On the part of the Senate.

**HARDEMAN,
FUCHS,
RUSSELL,
CLARK,
CELAYA,**

On the part of the House.

S. B. No. 179

A BILL**To Be Entitled**

An Act amending Sections 13, 7, and 12 of House Bill No. 247, Chapter 44, Acts of the Regular Session of the Forty-third Legislature, as amended by House Bill No. 749, Chapter 240, Acts of the Regular Session of the Forty-fourth Legislature, providing for refund of tax upon motor fuel used for purposes other than use in a motor vehicle operated upon the public highways, roads, or streets of the State of Texas, and requiring any person who sells motor fuel upon which a refund of the tax is authorized to secure license from the Comptroller before making sale of such refund motor fuel; authorizing the Comptroller to issue license to the person selling refund motor fuel, and to prescribe rules and regulations; providing penalties for violation of the Act; requiring the Comptroller to prescribe forms of license, giving him authority to revoke and cancel license for violation of the Act; prohibiting the issuance of warrants in payment of refund under certain conditions; providing for the issuance of invoices of exemption and requirements thereunder; providing for the furnishing by the Comptroller to licensee blank invoices of exemption and requiring the licensee to account for all such invoices of exemption; providing for the method of filing claims for refund of the tax; providing for a filing fee and appropriating same for administration of this Act; providing for the issuance of duplicate warrants; providing that all taxes, fines, penalties and interest due by

any distributor shall be a preferred lien, first and prior to any and all other existing liens, contract or statutory, legal or equitable, upon all the property of any distributor; providing that the Comptroller may employ auditors to ascertain the correct amount of taxes due, and the expense of such auditor shall be borne by the distributor; providing that when a distributor erroneously pays more taxes than due in any taxpaying period the Comptroller may credit the current tax payment with the amount of taxes so erroneously paid; providing that any person violating the provisions of this Section shall be liable for the penalty provided in Section 9, House Bill No. 247, Chapter 44, General Laws of the Forty-third Legislature, as amended by House Bill No. 749, Chapter 240, Acts of the Regular Session of the Forty-fourth Legislature; providing that the bill shall become effective from and after September 1, 1939; providing that if any Section, Subsection, sentence, clause or phrase in this Act shall be held or declared to be unconstitutional or invalid for any reason, such holding shall not impair or affect the remaining portions of this Act, and the same shall be and remain in full force and effect, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 13 of House Bill No. 247, Chapter 44, Acts of the Regular Session of the Forty-third Legislature, as amended by House Bill No. 749, Chapter 240, Acts of Forty-fourth Legislature, Regular Session, be amended so as to hereafter read, as follows:

"Sec. 13. (a) Any person who purchases motor fuel in the State of Texas, and any distributor who appropriates motor fuel for use when such motor fuel purchased by such person or used by such distributor for operating or propelling any stationary gas engine or tractor used for agricultural purposes, motor boats, aircraft, or for any purpose other than use in a motor vehicle operated or intended to be operated in whole or in part upon any of the public highways, road, or streets of the State of Texas on which motor fuel tax has been paid, either directly or indirectly,

shall be refunded the amount of such taxes so paid by the distributor, exclusive of the deduction for evaporation and loss in the manner and subject to the limitations and conditions described herein. Provided, however, that no greater amount shall be refunded than has been paid into the State Treasury on any motor fuel. The tax actually paid by any distributor or person shall be refunded as provided herein on motor fuel not subject to the tax.

"(b) Any person or distributor desiring to appropriate or sell motor fuel on which a refund of the tax is authorized by this Act shall, before making such appropriation or sale, make application to the Comptroller of Public Accounts, upon forms to be prescribed by the Comptroller and containing such information as the Comptroller may require for a license to sell such motor fuel; and it shall be unlawful for any person to sell or appropriate any motor fuel upon which a refund of the tax will be made, or is intended to be made, without first having obtained from the Comptroller of the State of Texas a license to sell or appropriate such motor fuel.

"A separate application shall be made to the Comptroller by such person or distributor for each place of business from which refund motor fuel is to be sold or distributed by such person or distributor, and the Comptroller shall issue a separate license for each such place of business. The Comptroller shall examine each application for license received by him, and, if found in due form, and if within the discretion of the Comptroller the applicant is entitled to such license, the same shall be issued. When such application is approved by the Comptroller the applicant for license shall be required to file oath with the Comptroller that he will faithfully perform and comply with the statute making provision for the sale and distribution of motor fuel subject to a refund of the motor fuel taxes. Each license issued hereunder shall remain in full force and effect until the first day of March following its date of issue, and annually on the first day of March each applicant, person or distributor, desiring to sell or appropriate motor fuel upon which a refund of the tax is authorized must obtain from the Comptroller a license, or a renewal of his existing license,

to sell such motor fuel as herein provided. Any license issued hereunder is not transferable unless such transfer is authorized by the Comptroller. Any person who sells motor fuel upon which a refund of the tax may be authorized, or is claimed, under the provisions of this Act, without having obtained a license, as provided for under this Act, shall be guilty of a misdemeanor and upon conviction shall be liable in any sum not to exceed One Thousand (\$1,000.00) Dollars, or by a jail sentence not to exceed six (6) months in jail, or by both such fine and jail sentence.

"Any person licensed under the provisions of this Act shall be required to maintain the records prescribed in Section 8 (b) of House Bill No. 247, Chapter 44, Acts of the Regular Session of the Forty-third Legislature, as amended by House Bill No. 749, Chapter 240, Acts of the Regular Session of the Forty-fourth Legislature, and in addition thereto shall affix his license number to any invoice of exemption he may issue under the provisions of this Act.

"The Comptroller shall prescribe the form of license to be used under this Act, and shall have authority and it shall be his duty, to revoke and cancel any license issued hereunder when the licensee violates any Section of this Act. And, in the event the Comptroller does revoke a license, then all books containing invoices of exemption held by such licensee shall be accounted for and surrendered to the Comptroller.

"No refund of the tax shall be granted on any motor fuel to any person, claimant, firm, corporation, or otherwise, unless such motor fuel has been purchased from or used by a licensed distributor as provided for in this Act; and the Comptroller is hereby prohibited from issuing warrant in payment of any refund of the tax on any motor fuel not purchased from a licensed dealer, except refund on motor fuel exported or lost by accident, or used by distributor for refund purposes.

"(c) Upon each delivery by licensee, or upon each appropriation for use of motor fuel upon which a refund of the tax may be claimed, an invoice of exemption shall be made out at the time of such delivery, or of such appropriation for use, which invoices of exemption shall state: the

number of the license of the licensee; the number of gallons of motor fuel thus delivered or appropriated; the purpose for which such motor fuel will be used, or is intended to be used; the date of purchase, and the date and place of delivery, or appropriation; the name of the purchaser or user; the name of the agent or employee actually making the purchase, or appropriation, if any; the seller and place of business of seller; the manner of delivery. And the said invoice of exemption shall show thereon such other information as the Comptroller may require; and no refund shall be allowed unless the seller or licensee, at the time of any such delivery, or appropriation for use, and not thereafter, executes such an invoice of exemption as provided above.

"And provided, further, that the person selling such motor fuel, or the licensee, in issuing invoices of exemption to the user of such motor fuel, shall make such invoices in duplicate, the duplicate of which shall be delivered to the user of such motor fuel, and the original shall be retained by the licensee for a period of two (2) years, at the place of business designated in the dealer's license, in the same manner and subject to the same examination as required of other records of motor fuel to be kept.

"Each invoice of exemption issued by licensee shall be issued at the time of delivery by the licensee, or his employee, and shall also be signed by the user of such motor fuel, or by his duly authorized agent. The licensee or employee of licensee shall not sign for the purchaser when issuing the invoice of exemption.

"(d) When a claimant purchases or acquires for use motor fuel upon which a refund of the tax may be due, he shall within six (6) months from the date of purchase of motor fuels upon which a refund is claimed, and not thereafter, file with the Comptroller an affidavit, on such forms as may be prescribed by the Comptroller. Said affidavit shall include a statement as to the source or place of purchase or acquisition of such motor fuel used for purposes other than in propelling motor vehicles over the highways of this State; that the information stated in the attached duplicate copy of the invoice of exemption is true and correct, and the manner in which said motor fuel was

used, and that no part of said motor fuel was used in propelling motor vehicles over the highways of this State. Said affidavit shall be accompanied by the duplicate copy of the invoice of exemption above referred to, and the Comptroller may require other affidavits in such form and time as he may deem advisable, and if he finds that such claims are just, and that the taxes claimed have actually been paid, then he shall within sixty (60) days issue warrant or warrants for the amounts due claimant, but no warrant shall be paid by the State Treasurer after twelve (12) months from the date thereof, and if such warrant is not presented within twelve (12) months from the date thereof, claimant shall forfeit his right to the refund.

"No refund shall be made where motor fuel is used later than six (6) months from the date of purchase, or appropriation, and no refund shall ever be made where it appears from the invoice, or from the affidavits, or other evidence submitted, that the sale or purchase was made more than six (6) months prior to the date of filing of the application for refund. The date of filing shall be the day such claim is actually received in the Comptroller's office.

"No refund of the tax shall be allowed on motor fuel used in any registered or licensed motor vehicle or in any motor vehicle operated or intended to be operated in whole or in part upon any of the highways, roads and streets of this State.

"(e) When the Comptroller has issued license to any person desiring to sell or distribute motor fuel upon which a refund of the tax is authorized, or upon which a claim is to be filed for a refund of the tax, the Comptroller shall issue to such licensee a book, or books, of blank invoices of exemption, which invoices shall be serially numbered, and an original and a duplicate of each invoice shall be made. The Comptroller shall keep accurate records of the number of books of invoices of exemption issued and furnished to each licensee, and the licensee shall, at all times, account for all such books of invoices of exemption so received by him. Any invoices of exemption mutilated or unusable must be returned to the Comptroller by the licensee for credit to his account, and any un-

issued invoice of exemption lost or destroyed must be reported to the Comptroller by such licensee. The Comptroller shall not issue any additional books of invoices of exemption to a licensee until such licensee has made proper accounting for each invoice of exemption theretofore issued him. The books of invoices of exemption issued to a licensee are not transferable or assignable by such licensee unless such transfer or assignment is authorized by the Comptroller; and failure by such licensee to make proper accounting for all invoices of exemption issued to him by the Comptroller shall be cause for the revocation of his license.

"If the duplicate invoice of exemption retained by purchaser is lost, or destroyed, by purchaser, such purchaser may make application to the Comptroller for forms to be used in lieu of lost duplicate.

"The invoices of exemption required by this Act shall be furnished, free of cost, by the Comptroller to the licensee. And no forms of invoice of exemption shall be used by the dealer or user of refund motor fuel other than those issued and furnished by the Comptroller.

"(f) All filing fees shall be paid into the State Treasury and be paid out on vouchers and warrants in such manner as may be prescribed by law.

"(g) All the moneys paid into the Treasury under the provisions of this Act, except the filing fees provided herein, shall be set aside in a special fund to be known as the Highway Motor Fuel Tax Fund and no part of said fund shall be credited to the Available School Fund until a report is made by the Comptroller to the Treasurer, showing the total maximum amount of refunds that may be required to be paid by the State out of said funds. The Comptroller shall on the 20th day of each month, or as soon thereafter as is possible, compute and ascertain the maximum amount of funds that may be due by the State on sale of motor fuel during the preceding month, upon which a refund may be due, and shall certify to the Treasurer the maximum amount and the Treasurer shall reserve said amount each month out of which to pay refunds, and shall not distribute that part of said fund until the expiration of the time in which a refund can be made

out of said fund, but as soon as said report has been made by the Comptroller, and the maximum amount of refunds determined, he shall deduct said maximum amount from the total taxes paid for such month, and apply the remainder of such as provided by law. If claimant has lost or loses, or for any reason failed or fails to receive warrant after warrant was or has been issued by the Comptroller, and upon satisfactory proof of such, the Comptroller may issue claimant duplicate warrant as provided for in Article 4365, Revised Civil Statutes of Texas, of 1925, but in no event shall a duplicate warrant be issued after one (1) year from date of original warrant.

"(h) So much of said fund is hereby appropriated and set aside as may be necessary to pay the refunds provided for herein, and if a specific amount be necessary then there is hereby appropriated and set aside for said purpose the sum of Two Hundred Thousand (\$200,000.00) Dollars, or so much thereof as may be necessary. In no event shall any refund be made to any person in excess of the actual amount paid by such person, and the amount deducted originally by the distributor shall be deducted in computing the refund. The Comptroller shall deduct One (\$1.00) Dollar from all such refunds as a filing fee, which fee shall be deducted from the warrant issued in payment of such refund, which said filing fee shall be set aside for the use and benefit of the Comptroller in the administration and enforcement of this Act, as well as for the payment of expenses in furnishing the form of invoice of exemption provided for herein, and the same is hereby appropriated for such purpose."

Sec. 2. That Section 7 of House Bill No. 247, Chapter 44, Acts of the Regular Session of the Forty-third Legislature, as amended by House Bill No. 749, Chapter 240, Acts of the Forty-fourth Legislature, Regular Session, be amended so as to hereafter read as follows:

"Sec. 7. All taxes, fines, penalties and interest due by any distributor to the State shall be a preferred lien, first and prior to any and all other existing liens, contract or statutory, legal or equitable, and regardless of the time such liens originated, upon all the property of any distributor,

devoted to or used in his business as a distributor, which property shall include refinery, blending plants, storage tanks, warehouses, office buildings and equipment, tank trucks or other motor vehicles, stocks on hand of every kind and character whatsoever used or usable in such business, including crude oil or other materials for the manufacture, refining, blending or compounding of motor fuels and the refined products therefrom and the proceeds from the sale of such materials and refined products, and any other property of every kind and character whatsoever and wherever situated devoted to such use, and each tract of land on which such refinery, blending plant, tanks or other property is located, or which is used in carrying on such business.

"If any distributor shall fail to remit proper taxes due, the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly remitted, the distributor shall pay the reasonable expenses incurred in such investigation and audit as additional penalty. Provided, however, that all funds paid to the auditors of the Comptroller as expenses incurred in making audits, shall be placed in a special fund in the State Treasury, which shall be used until exhausted for making other audits, and said sums are hereby appropriated for that purpose. Provided, that nothing herein shall prevent the Comptroller, when said fund is exhausted, from using other funds available for that purpose.

"When it shall appear that a distributor or taxpayer to whom the provisions of this Act shall apply has erroneously reported and paid more taxes than were due during any tax-paying period, either on account of a mistake of fact or law, it shall be the duty of the State Comptroller to credit the total amount of taxes due by such taxpayer for the current period with the total amount of taxes so erroneously paid."

Sec. 3. That Section 12 of House Bill No. 247, Chapter 44, Acts of the Regular Session of the Forty-third Legislature, as amended by House Bill No. 749, Chapter 240, Acts of the Forty-fourth Legislature, Regular Session, be amended so as to hereafter read, as follows:

"Sec. 12. (a) Every common car-

rier in this State having the custody of books or records showing the transportation of motor fuel both interstate and intrastate shall give and permit the Comptroller or his duly authorized representative free access to such books and records.

"(b) All persons operating trucks, pipelines and other conveyances as common carriers in the transportation of motor fuel into and from this State, exclusive of railroads, shall render a sworn report to the Comptroller not later than the 20th of each month, showing a description of the truck or other conveyances in which the same was transported on such forms as shall be prescribed by the Comptroller, which was transported by such persons during the preceding month. There shall also be included in said report full data concerning the diversion of shipments en route as amount to a change from interstate to intrastate and intrastate to interstate commerce. Such report shall show the points of origin and destination, the number of gallons shipped, the date, the consignee and the consignor and the kind of motor fuel. All persons operating railroads as common carriers in the transportation of motor fuel into and from this State, shall, as and when requested by the Comptroller, and in such form as may be prescribed, render, not later than the 20th of the following month, a sworn report for the preceding month, or for such other period or periods as may be requested, showing a description of the tank car or other conveyance in which the same was transported and shall render such other information concerning diversion of or change of shipments en route from interstate to intrastate commerce or intrastate to interstate commerce, as may be required by the Comptroller. Provided that no report be made by any such persons transporting motor fuel in quantities of less than twenty (20) gallons.

"(c) All carriers, excepting railroads and pipelines, shall carry manifest issued by distributors or dealers in compliance with Section 8 (b) of House Bill No. 247, Chapter 44, General Laws of the Regular Session of the Forty-third Legislature, as amended by House Bill No. 749, Chapter 240, General Laws of the Regular Session of the Forty-fourth Legislature. All records provided for in this Act shall be kept by said carrier in

Texas for a period of two (2) years, and shall at all times be subject to the inspection of the Comptroller or Attorney General or their authorized representatives.

"In order to enforce the provisions of this Act, the Comptroller, his Tax Supervisors, or other authorized representatives, any Highway Patrolman, Sheriff, Constable and his deputies, and all other peace officers are empowered to stop any motor vehicle which might appear to be transporting motor fuel or other derivatives of crude petroleum or its products as cargo for the purpose of examining the manifest required to be carried, for examination of the commodity in transit, to take samples of the cargo, and for such other investigations as could reasonably be made to determine whether the cargo was motor fuel or other derivatives of crude petroleum or its products, and whether manifest indicated that the State tax was a part of the consideration involved in the sale or distribution of any motor fuel carried. If, upon said examination, it is found that the driver of any such motor vehicle transporting motor fuel does not possess or refuses to exhibit a manifest required herein, or if said manifest carried is false or incomplete said authorized officers shall impound and take possession of the said motor vehicle and its contents, and unless proof is produced, within seventy-two (72) hours from the beginning of such impoundment, that the motor fuel has been sold with the State tax as a part of the consideration therefor, the Sheriff or the Constable of the County in which said impoundment is made shall proceed to sell the said motor fuel in the manner provided by law for the sale of personal property under execution in this State. Upon said sale the Sheriff or Constable shall first pay to the Comptroller or his authorized representative the State tax due upon said motor fuel. The Sheriff or Constable shall receive such fees as are now allowed by law in the sale of personal property under execution in this State for the services rendered by him. The balance of said sum shall be turned over to the rightful owner of said motor fuel after deducting the reasonable expenses incurred in impounding and selling the same. Provided in the event a distributor or dealer is transporting motor fuel from his own storage under circumstances

in which no sale is involved, the manifest of said motor fuel shall be exhibited showing such fact.

"(d) Any person violating any provision of this Section shall be liable for the penalty described in Section 9, House Bill No. 247, Chapter 44, General Laws of the Regular Session of the Forty-third Legislature, as amended by House Bill No. 749, Chapter 240, General Laws of the Regular Session of the Forty-fourth Legislature. Provided no report or information is required herein, the requiring of which would be a violation of the laws and Constitution of the United States or Texas, or an unlawful burden on interstate or foreign commerce."

Sec. 4. This Act, upon becoming a law, shall take effect and become operative from and after September 1, 1939.

Sec. 5. If any Section, Subsection, sentence, clause, phrase, or word of this Act shall be construed and held by the Courts to be unconstitutional or invalid such holding shall not apply to any other part of the Act, and the same shall remain in force and effect as though the Courts had not passed on the validity of any Section, Subsection, sentence, clause, phrase, or word of the Act.

Sec. 6. The fact that the Act sought to be amended hereby contains certain defects and omissions which seriously hinder and impair the effective administration and enforcement of said Act and the collection of taxes levied thereby, which omissions and defects are sought to be corrected hereby, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Russell, the report was adopted by the following vote:

Yeas—122

Allison	Blankenship
Alsup	Boethel
Anderson	Bond
Bailey	Boyd
Baker	Boyer
of Fort Bend	Bradbury
Baker of Grayson	Bray
Bell	Broadfoot

Brown of Cherokee	London
Brown	McDonald
of Nacogdoches	McMurry
Bundy	McNamara
Burkett	Mohrmann
Burney	Monkhouse
Cauthorn	Montgomery
Chambers	Morris
Clark	Newell
Cleveland	Nicholson
Cockrell	Pace
Coleman	Petsch
Colquitt	Pevehouse
Colson, Mrs.	Piner
Cornett	Pope
Daniel	Reader of Erath
Davis of Jasper	Reaves
Derden	Reed
Dickison	Rhodes
Dickson	Riviere
Dowell	Roach
Dwyer	Roberts
Faulkner	Robinson
Felty	Russell
Ferguson	Schuenemann
Fielden	Segrist
Fuchs	Shell
Galbreath	Skiles
Gilmer	Smith of Frio
Gordon, Mrs.	Smith of Hopkins
Hale	Smith
Hamilton	of Matagorda
Hankamer	Spencer
Hardeman	Stinson
Harp	Stoll
Harper	Talbert
Hartzog	Tarwater
Heflin	Taylor
Holland	Tennant
Howard	Thornberry
Howington	Thornton
Hull	Turner
Isaacks	Vale
Johnson of Ellis	Vint
Johnson of Tarrant	Voigt
Kennedy	Waggoner
Kern	Weldon
Kerr	Wells
Kinard	Westbrook
King	Wilson
Langdon	Winfree
Lehman	Wood
Leyendecker	Worley
Little	Wright
Loggins	

Nays—8

Allen	Goodman
Bradford	Hardin
Crossley	Kersey
Davis of Upshur	McAlister

Absent

Bridgers	Corry
Celaya	Dean

Donaghey	Mays
Harrell of Bastrop	McDaniel
Harrell of Lamar	McFarland
Harris	Oliver
Hunt	Ragsdale
Keith	Reader of Bexar
Leonard	White
Lock	

HOUSE BILL NO. 791 WITH SENATE AMENDMENTS

Mr. Tennant called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 791, A bill to be entitled "An Act making it unlawful to take or kill by trap, snare, or deadfall any fur-bearing animals in the Counties of Harrison and Gregg; providing certain exceptions; providing the length of this Act; prescribing a penalty, and declaring an emergency."

On motion of Mr. Tennant, the House concurred in the Senate amendments by the following vote:

Yeas—119

Allison	Faulkner
Alsup	Ferguson
Bailey	Fielden
Baker	Fuchs
of Fort Bend	Galbreath
Baker of Grayson	Gordon, Mrs.
Bell	Hale
Blankenship	Hamilton
Boethel	Hankamer
Bond	Hardeman
Boyd	Hardin
Boyer	Harp
Bradbury	Harper
Bradford	Harrell of Lamar
Bundy	Hartzog
Burkett	Heflin
Burney	Holland
Cauthorn	Howard
Celaya	Howington
Chambers	Hull
Clark	Hunt
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Kennedy
Colquitt	Kern
Colson, Mrs.	Kerr
Cornett	Kersey
Crossley	Kinard
Daniel	King
Davis of Jasper	Langdon
Dean	Lehman
Derden	Leonard
Dickison	Leyendecker
Dickson	Little
Dowell	Loggins

London	Smith of Frio
Mays	Smith of Hopkins
McAlister	Smith
McDaniel	of Matagorda
McDonald	Spencer
McMurry	Stinson
McNamara	Stoll
Mohrmann	Talbert
Monkhouse	Tarwater
Montgomery	Taylor
Newell	Tennant
Nicholson	Thornberry
Pace	Thornton
Pevehouse	Turner
Pope	Vale
Reader of Erath	Vint
Reed	Voigt
Rhodes	Waggoner
Riviere	Weldon
Roberts	Wells
Robinson	Westbrook
Russell	Wilson
Schuenemann	Winfree
Segrist	Worley
Shell	Wright
Skiles	

Nays—4

Allen	Davis of Upshur
Bray	Wood

Present—Not Voting

Brown
of Nacogdoches

Absent

Anderson	Keith
Bridgers	Lock
Broadfoot	McFarland
Brown of Cherokee	Morris
Corry	Oliver
Donaghey	Petsch
Dwyer	Piner
Felty	Ragsdale
Gilmer	Reader of Bexar
Goodman	Reaves
Harrell of Bastrop	Roach
Harris	White
Isaacks	

MESSAGE FROM THE SENATE

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

S. C. R. No. 67, Promulgating a plan for the distribution of cotton goods by the Federal Government.

S. C. R. No. 68, Authorizing the State Highway Department to lend

certain discarded wire for fencing purposes.

The Senate has passed

H. J. R. No. 45, Proposing an amendment to Article 8, Section 9, of the Constitution of the State of Texas by adding a new Section thereto to be known as Section 9-A; providing that the Commissioners' Court of Red River County, after a majority vote of the resident qualified electors owning taxable property therein, shall have the authority to levy a tax of not to exceed Twenty-five (25c) Cents on the One Hundred (\$100.00) Dollar valuation for a period not exceeding fifteen (15) years for the purpose of refunding the outstanding warrant indebtedness of the General Fund of the County by the issuance of bonds under the provisions of the General Laws regulating the refunding of outstanding debts of the county; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation; publication and election.

H. B. No. 990, A bill to be entitled "An Act amending Article 7117, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1929, Forty-first Legislature, First Called Session, Chapter 50, page 109, Section 1, defining transfers in contemplation of death; etc., and declaring an emergency." (With amendments.)

The Senate has failed to suspend the Constitutional Rule on

H. B. No. 178, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1938, due to the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before June 1, 1939; and providing further that this Act releasing penalties and interest shall not apply to cities, towns and villages and special school districts and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time

for the payment of said ad valorem and poll taxes will accelerate the payment thereof; etc., and declaring an emergency."

By the following vote: Yeas, 19; Nays, 9.

The Senate has passed

H. B. No. 1136, A bill to be entitled "An Act amending Article 2844 of the Revised Civil Statutes of 1925, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolutions:

H. B. No. 912, "An Act further regulating the sale, transportation, storage, manufacturing, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by repealing Subsection (d) of Section 3, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 1 of House Bill No. 5, Acts of the Revised Statutes of the Forty-fifth Legislature; etc., and declaring an emergency."

H. C. R. No. 179, To grant A. J. Clingan permission to sue the State.

H. C. R. No. 193, To grant Mrs. Woodie Spore permission to sue the State.

RECESS

Mr. Kersey moved that the House recess until 3:00 o'clock p. m., today.

Mr. Faulkner moved that the House recess until 2:30 o'clock p. m., today.

The motion of Mr. Faulkner prevailed, and the House, accordingly, at 12:30 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

S. C. R. No. 69, Suspending all Joint Rules necessary for the House to consider Senate Bill No. 458.

Passed

H. B. No. 546, A bill to be entitled "An Act amending Chapter 57, Local and Special Laws of the State of Texas passed at the Third Called Session of the Thirty-sixth Legislature, relative to Blythe County Line Independent School District in Gaines, Terry, and Yoakum Counties, etc., and declaring an emergency."

H. B. No. 1009, A bill to be entitled "An Act amending Article 600a, Section 36, Revised Civil Statutes of Texas of 1925, as amended, Acts, 1937, etc., and declaring an emergency."

H. B. No. 1064, A bill to be entitled "An Act authorizing cities having a population of two hundred and eighty-five thousand (285,000) inhabitants, or more, according to the last preceding or any future Federal Census, to extend by ordinance their boundary so as to include in such cities all publicly owned or publicly operated airports, flying fields and landing fields lying within a distance of ten (10) miles in air line from the ordinary limits of such cities, etc., and declaring an emergency."

The Senate has failed to suspend the Constitutional Rule on

H. B. No. 344, A bill to be entitled "An Act defining publication, newspaper, political subdivision, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a minimum and a maximum charge for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; etc., and declaring an emergency."

By the following vote: Yeas, 21; Nays, 8.

The Senate has adopted

S. C. R. No. 70, Suspending all Joint Rules necessary for the passage of Senate Bill No. 493, House Bill No. 878, House Bill No. 1096, House

Bill No. 419, House Bill No. 792, House Bill No. 950, House Bill No. 684, House Bill No. 380, House Bill No. 1141, House Bill No. 989 and House Bill No. 1114.

Respectfully,

BOB BARKER,

Secretary of the Senate.

EXPRESSING APPRECIATION OF THE MEMBERS OF THE HOUSE

Mr. Lehman offered the following resolution:

H. S. R. No. 327, Expressing appreciation of the Members of the House.

Whereas, There is one in our midst, Mrs. Bess Blackwell, an employee of the Telephone Company, who has rendered outstanding service to every Member of the Legislature, as well as to the many visitors to the House of Representatives; and

Whereas, While Mrs. Blackwell has had charge of the telephones in the Reception Room of the House of Representatives for several sessions, her sweet smile, her charming personality, her willingness at all times to make every effort to give the most efficient service possible, have endeared her to everyone; and

Whereas, It is fitting and proper that Mrs. Bess Blackwell be commended for her unfailing courtesy and her untiring energy in the performance of her duties; now, therefore, be it

Resolved by the House of Representatives, That it express grateful appreciation to Mrs. Bess Blackwell, and that sincere thanks be extended to her; and, be it further

Resolved, That the telephone company be commended for placing in charge of the telephones an employee of such outstanding courtesy and ability; and, be it further

Resolved, That copies of this resolution be sent to Mrs. Bess Blackwell and to the manager of the telephone company in Austin.

LEHMAN,
RHODES.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd,

Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Riviere, Roach, Roberts, Robinson, Russell, Schuene-mann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Alsup, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

PROVIDING FOR PURCHASE OF ADVANCE SESSION LAWS

Mr. Alsup offered the following resolution.

H. S. R. No. 328, Providing for purchase of Advance Session Laws.

Whereas, It will be several months before the State can complete the work of compiling and publishing the laws passed by the Regular Session of the Forty-sixth Legislature; and

Whereas, For more than ten years it has been the custom of the House to subscribe to "Ray's Advance Session Laws" always published months ahead of the official edition, in order

that Members on their return home may be able to inform their constituents about the new laws that have been passed; and

Whereas, Worth S. Ray, editor of said laws has agreed to furnish the usual five books containing these laws bound in one volume to each Member of the House for \$3.00 for each whole volume containing all of the laws, whereas the price has heretofore been 75c per volume for the smaller books; now, therefore, be it

Resolved, That the House subscribe for Ray's Session Laws for this session, not to exceed one volume for each Member, to be paid for out of the Contingent Fund, as soon as delivered prepaid to the home address of the Members.

The resolution was read second time.

(Mr. Leonard in the Chair.)

Mr. Alsup, by unanimous consent of the House, offered the following amendment to the resolution:

Amend House Simple Resolution No. 328, by providing that the advance session laws shall be purchased on the lowest competitive bid.

The amendment was adopted.

Mr. Worley offered the following amendment to the resolution:

Amend House Simple Resolution No. 328, by adding at the end of the resolving clause the following:

"Provided said laws are printed in Texas."

WORLEY,
BRIDGERS.

On motion of Mr. Alsup, the amendment by Mr. Worley, was tabled.

Mr. Keith offered the following amendment to the resolution:

Amend House Simple Resolution No. 328, by adding thereto the following:

"The Committee shall ascertain the number of Members who desire copies of such laws and shall order no more copies than are needed to supply such Members."

The amendment was adopted.

Question recurring on the resolution, as amended, it was adopted.

GRANTING CERTAIN DISTRICT JUDGES PERMISSION TO BE ABSENT FROM THE STATE

Mr. Baker of Grayson offered the following resolution:

H. C. R. No. 201, Granting certain Districts Judges permission to be absent from the State.

Whereas, The District Judges of certain districts in the State of Texas desire to leave the State sometime during the years 1939 and 1940 on personal business and to take vacations; and

Whereas, Said districts are comprised of the following Counties:

Grayson, Collin, Victoria, Cass, Bowie, Marion, Shelby, Fort Bend, Wharton, Matagorda, Brazoria, Erath, Hood, Cochran, Hockley, Lubbock, Crosby, Dawson, Comanche, Cooke, Denton, Yoakum, Gaines, Terry, Lynn, Garza, Gregg, Montague, Clay, Nolan, Mitchell, Scurry, Borden, Upshur, Wood, Palo Pinto, Stephens, Harrison, Navarro, Briscoe, Dickens, Floyd, Motley, Cameron, DeWitt, Goliad, Refugio, Jackson, Calhoun, Willacy, Jim Wells, Duval, Brooks, Starr, Ochiltree, Hansford, Hutchinson, Carson, Hemphill, Lipscomb, Dallam, Sherman, Moore, Hartley, and Roberts; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the District Judges in said Judicial Districts comprised of the above-named Counties be and they are hereby granted permission to be absent from the State of Texas for such time, and at such intervals, as they may see fit and proper during the years 1939 and 1940, taking into consideration the condition of the dockets of their respective Courts.

The resolution was read second time.

Mr. Alsup, by unanimous consent, offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 201, by adding the following Counties: Panola, Shelby, Fayette, Fannin, Lamar, Frio, La Salle, Atascosa, Wilson, Karnes, Walker, Grimes, Trinity, Leon, Madison, Polk, San Jacinto, Montgomery, Waller, Anderson, Limestone, Freestone, Hood, Palo Pinto, Erath, Wichita, Archer, Young, Jones, Fisher, Taylor, Dimmit, Zapata, Jim Hogg, Webb, Medina,

Uvalde, Kendall, Kerr, Bandera, Zavala, Real, Comal, Hays, Caldwell, Fayette, Austin, Parker, Wise, Jack, and Milam.

The amendment was adopted.

The resolution, as amended, was then adopted.

AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 64, Authorizing the loan of certain highway equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Washington County; and

Whereas, Blinn Memorial College, a Junior College supported by the taxpayers of Washington County, Texas, anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said college and the taxpayers of Washington County, Texas, to fence the grounds where said athletic events will be held; and

Whereas, It would be a great accommodation to said college and the taxpayers of Washington County, Texas, if the State Highway Department were permitted to loan said college the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to Blinn Memorial College sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said college to return such wire upon request of the State Highway Department; and it is so resolved.

The resolution was read second time, and was adopted.

AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

The Chair laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 68, Authorizing the loan of certain highway equipment.

Whereas, The State Highway Department of Texas has a large quan-

tity of discarded guard wire in Fayette County; and

Whereas, The Carmine School District of Fayette County anticipates a large number of people attending dedication of a new school building to be held in the early autumn of this year; and

Whereas, It will be necessary and important to said school district to fence the grounds where said meet will be held; and

Whereas, It would be a great accommodation to said school district if the State Highway Department were permitted to loan said district the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of Carmine School District sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said school board to return wire upon request of the State Highway Department; and it is so resolved.

The resolution was read second time, and was adopted.

RELATIVE TO SENATE BILL NO. 320

The Chair laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 65, Relative to Senate Bill No. 320.

Whereas, Senate Bill No. 320, passed both Houses of the Legislature at this, the Regular Session of the Forty-sixth Legislature; and

Whereas, Said Senate Bill No. 320, through error or oversight fails to provide that in case any word, clause, sentence, or part of said Act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said Senate Bill No. 320, but such invalidity shall be confined in its operation to the word, clause, sentence or part thereof directly declared invalid; now, therefore, be it

Resolved by the Senate, the House concurring, That in case any word, clause, sentence or part of said Senate Bill No. 320 shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid,

such judgment shall not affect, impair or invalidate the remainder of said Senate Bill No. 320, but such invalidity shall be confined in its operation to the word, clause, sentence or part of said Senate Bill No. 320 directly declared invalid; and, be it further

Resolved, That this resolution shall be in full force and take effect as and when said Senate Bill No. 320 takes effect, and it is so enacted.

The resolution was read second time, and was adopted.

(Speaker in the Chair.)

RELATIVE TO HOME SITE OF PRESIDENT DAVID G. BURNET

The Speaker laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 66, Relative to home site of President David G. Burnet for State Park.

Whereas, David G. Burnet was the First Provisional President of the Republic of Texas; and

Whereas, The home site of President Burnet is one of historic importance to the State of Texas; and

Whereas, The owner thereof is desirous of donating this home site to the State of Texas for a State Park; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Park Board is hereby directed to investigate the desirability of such site as a State Park, and if such Board finds such tract desirable, feasible, and practicable for a State Park, that it is authorized to accept such as a donation from the owner thereof.

Such tract is more particularly described as follows:

All that certain tract or parcel of land situated in Harris County, Texas, and described by metes and bounds, as follows, to wit:

Beginning at the Northeast corner of Burnet Shores, a Sub-division in the T. W. Tompkins tract out of the Nathaniel Lynch Survey, in Harris County, Texas, as shown by Map of said Sub-division recorded in Vol. 14, Page 8, of the Map Records of Harris County, Texas, said point being in the South line of Burnet Drive and in the South line of Oakland Estates, a Subdivision adjoining Burnet Shores on the North;

Thence South 24° West along the dividing line between the Gladys Tompkins 148 acre tract and the John H. Crooker 74 acre tract a distance of 365 feet to point in North line of Hillcrest Lane;

Thence North 66° West a distance of 600 feet to point in Southeast boundary line of Gulf Pipe Line Company right-of-way;

Thence in a Northeasterly direction along the boundary line of said right-of-way a distance of 505 feet to point in the South line of Burnet Drive;

Thence South 66° East along the South line of Burnet Drive a distance of 291 feet to the place of beginning, and being known as the David G. Burnet Homesite tract and shown as Reserved tract on Map of said Burnet Shores which is recorded in Vol. 14, Page 8, of the Map Records of Harris County, Texas.

Be it further resolved, That the Senate and House of Representatives of the State of Texas express its appreciation to the owner for generosity, high purposes and lofty motives in offering this property as a site for a State Park.

The resolution was read second time, and was adopted.

TO SUSPEND CERTAIN JOINT RULES

Mr. Alsup offered the following resolution:

H. C. R. No. 203, To suspend certain Joint Rules.

Be it resolved by the House of Representatives, the Senate concurring, That Rule 9 of the Joint Rules of both Houses be suspended, and they are hereby suspended, so that the House may take up, and consider, House Bill No. 1138 until it is finally disposed of.

The resolution was read second time.

The resolution was lost by the following vote:

Yeas—62

Allen	Bridgers
Allison	Brown of Cherokee
Alsup	Burkett
Anderson	Cauthorn
Baker of Grayson	Celaya
Boyd	Clark
Bradbury	Cleveland
Bradford	Cockrell
Bray	Cornett

Crossley	Morris
Daniel	Newell
Davis of Upshur	Nicholson
Dwyer	Petsch
Felty	Ragsdale
Fuchs	Reed
Goodman	Roberts
Hankamer	Robinson
Harp	Russell
Harrell of Bastrop	Segrist
Heflin	Skiles
Hull	Spencer
Hunt	Stinson
Isaacks	Taylor
Kennedy	Tennant
Kersey	Thornberry
Langdon	Thornton
Loggins	Turner
Mays	Vale
McAlister	Westbrook
McDaniel	Wood
Monkhouse	Worley

Nays—69

Bailey	Kern
Baker	Kerr
of Fort Bend	Kinard
Bell	King
Blankenship	Lehman
Boethel	Leyendecker
Bond	Little
Boyer	Lock
Broadfoot	London
Bundy	McFarland
Burney	McMurry
Coleman	McNamara
Corry	Mohrmann
Davis of Jasper	Montgomery
Derden	Oliver
Dickison	Pevehouse
Dickson	Piner
Donaghey	Reader of Bexar
Dowell	Reader of Erath
Faulkner	Rhodes
Ferguson	Riviere
Fielden	Roach
Galbreath	Smith of Frio
Gilmer	Smith of Hopkins
Gordon, Mrs.	Smith
Hale	of Matagorda
Hamilton	Stoll
Hardeman	Talbert
Hardin	Tarwater
Harper	Waggoner
Harrell of Lamar	Weldon
Holland	Wells
Howard	White
Howington	Wilson
Johnson of Ellis	Wright
Keith	

Absent

Brown	Chambers
of Nacogdoches	Colquitt

Colson, Mrs.	Pope
Dean	Reaves
Harris	Schuenemann
Hartzog	Shell
Johnson of Tarrant	Vint
Leonard	Voigt
McDonald	Winfree
Pace	

SUSPENDING CERTAIN JOINT RULES

The Speaker laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 69, Suspending certain Joint Rules.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the Joint Rules be suspended to the extent necessary for the House to consider Senate Bill No. 458.

The resolution was read second time.

The resolution was adopted by the following vote:

Yeas—124

Allen	Davis of Upshur
Allison	Dean
Alsup	Derden
Anderson	Dickison
Baker	Dickson
of Fort Bend	Dowell
Baker of Grayson	Dwyer
Bell	Faulkner
Blankenship	Felty
Boethel	Ferguson
Bond	Fielden
Boyd	Fuchs
Boyer	Galbreath
Bradbury	Goodman
Bradford	Gordon, Mrs.
Bray	Hale
Bridgers	Hamilton
Broadfoot	Hankamer
Brown of Cherokee	Hardeman
Brown	Hardin
of Nacogdoches	Harp
Bundy	Harper
Burkett	Harrell of Bastrop
Burney	Harrell of Lamar
Cauthorn	Harris
Clark	Hartzog
Cleveland	Heflin
Cockrell	Howard
Coleman	Howington
Colson, Mrs.	Hull
Cornett	Hunt
Crossley	Isaacks
Daniel	Johnson of Ellis
Davis of Jasper	Keith

Kennedy	Reed
Kern	Rhodes
Kerr	Riviere
Kersey	Roach
Kinard	Roberts
King	Robinson
Langdon	Russell
Lehman	Segrist
Leyendecker	Shell
Little	Skiles
Loggins	Smith of Hopkins
London	Smith
Mays	of Matagorda
McAlister	Spencer
McFarland	Stinson
McMurry	Talbert
McNamara	Tarwater
Mohrmann	Thornberry
Monkhouse	Thornton
Morris	Turner
Newell	Vale
Nicholson	Waggoner
Oliver	Weldon
Pevehouse	Wells
Piner	White
Pope	Wilson
Ragsdale	Winfree
Reader of Bexar	Worley
Reader of Erath	Wright
Reaves	

Nays—4

McDaniel	Tennant
Stoll	Wood

Absent

Bailey	McDonald
Celaya	Montgomery
Chambers	Pace
Colquitt	Petsch
Corry	Schuenemann
Donaghey	Smith of Frio
Gilmer	Taylor
Holland	Vint
Johnson of Tarrant	Voigt
Leonard	Westbrook
Lock	

SUSPENDING CERTAIN JOINT RULES

Mr. Taylor offered the following resolution:

H. C. R. No. 205, Suspending certain Joint Rules.

Be It Resolved, That all necessary Rules of the House and Senate and the Joint Rules of both Houses be suspended, and the same are hereby suspended, so that the Senate can take up and consider on third reading and final passage House Bill No. 344.

The resolution was read second time.

(Mr. Thornton in the Chair.)

The resolution was adopted by the following vote:

Yeas—109

Allison	King
Alsup	Langdon
Anderson	Lehman
Bailey	Leonard
Baker	Little
of Fort Bend	Loggins
Bell	Mays
Blankenship	McAlister
Boethel	McDonald
Bond	McFarland
Boyd	McMurry
Boyer	McNamara
Bradford	Mohrmann
Bray	Monkhouse
Broadfoot	Montgomery
Brown of Cherokee	Morris
Bundy	Nicholson
Burney	Petsch
Cauthorn	Pevehouse
Celaya	Piner
Clark	Pope
Cleveland	Ragsdale
Cockrell	Reader of Bexar
Coleman	Reader of Erath
Colquitt	Reaves
Colson, Mrs.	Reed
Cornett	Riviere
Corry	Roach
Daniel	Roberts
Dickison	Robinson
Dickson	Russell
Donaghey	Schuenemann
Dowell	Segrist
Dwyer	Shell
Faulkner	Skiles
Felty	Smith of Frio
Galbreath	Smith of Hopkins
Gilmer	Smith
Gordon, Mrs.	of Matagorda
Hale	Spencer
Hamilton	Stinson
Hankamer	Tarwater
Hardeman	Taylor
Hardin	Tennant
Harp	Thornberry
Harper	Turner
Harrell of Bastrop	Vale
Harrell of Lamar	Waggoner
Hartzog	Wells
Holland	White
Howard	Wilson
Hull	Winfree
Isaacks	Wood
Johnson of Ellis	Worley
Kennedy	Wright
Kerr	

Nays—22

Allen	Keith
Brown	Kern
of Nacogdoches	Kersey
Burkett	Leyendecker
Crossley	London
Davis of Jasper	McDaniel
Davis of Upshur	Rhodes
Ferguson	Stoll
Fielden	Talbert
Fuchs	Voigt
Howington	Weldon
Hunt	

Present—Not Voting

Oliver

Absent

Baker of Grayson	Johnson of Tarrant
Bradbury	Kinard
Bridgers	Lock
Chambers	Newell
Dean	Pace
Derden	Thornton
Goodman	Vint
Harris	Westbrook
Heflin	

SUSPENDING CERTAIN JOINT RULES

The Chair laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 70, Suspending certain Joint Rules.

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That all Joint Rules prohibiting the consideration of bills during the last twenty-four (24) hours of the Session, be, and the same are hereby suspended insofar as the same may apply to House Bill No. 878, House Bill No. 1096, House Bill No. 419, House Bill No. 792, House Bill No. 380, House Bill No. 684, House Bill No. 1141, House Bill No. 1114, Senate Bill No. 493, House Bill No. 989, and House Bill No. 950.

The resolution was read second time.

Mr. Smith of Frio moved that the necessary Rules be suspended, in order that he might explain the above resolution.

The motion to suspend the Rules prevailed by the following vote:

Yeas—126

Allen	Baker
Anderson	of Fort Bend
Bailey	Blankenship

Boethel	Kinard
Bond	King
Boyd	Langdon
Boyer	Lehman
Bray	Leonard
Bridgers	Leyendecker
Brown of Cherokee	Little
Bundy	London
Burkett	Mays
Burney	McAlister
Cauthorn	McDonald
Celaya	McFarland
Chambers	McMurry
Clark	McNamara
Cleveland	Mohrmann
Cockrell	Monkhouse
Coleman	Montgomery
Colquitt	Morris
Colson, Mrs.	Newell
Cornett	Nicholson
Corry	Oliver
Crossley	Pace
Daniel	Petsch
Davis of Jasper	Pevehouse
Dean	Piner
Derden	Pope
Dickison	Reader of Bexar
Dickson	Reader of Erath
Donaghey	Reaves
Dowell	Reed
Dwyer	Rhodes
Felty	Riviere
Ferguson	Roach
Fielden	Roberts
Fuchs	Robinson
Galbreath	Russell
Gilmer	Schuenemann
Goodman	Segrist
Gordon, Mrs.	Shell
Hale	Smith of Frio
Hamilton	Smith of Hopkins
Hankamer	Spencer
Hardeman	Stoll
Hardin	Talbert
Harp	Tarwater
Harper	Taylor
Harrell of Bastrop	Tennant
Harrell of Lamar	Thornberry
Harris	Turner
Hartzog	Vale
Heflin	Vint
Holland	Waggoner
Howard	Weldon
Howington	Wells
Hull	White
Hunt	Wilson
Johnson of Tarrant	Winfree
Keith	Wood
Kennedy	Worley
Kerr	Wright
Kersey	

Nays—9

Allison

Alsup

Bradford	McDaniel
Broadfoot	Smith
Johnson of Ellis	of Matagorda
Kern	Voigt

Present—Not Voting

Brown	Davis of Upshur
of Nacogdoches	Faulkner

Absent

Baker of Grayson	Ragsdale
Bell	Skiles
Bradbury	Stinson
Isaacks	Thornton
Lock	Westbrook
Loggins	

The resolution was adopted by the following vote:

Yeas—129

Alsup	Fuchs
Anderson	Galbreath
Bailey	Gilmer
Baker	Goodman
of Fort Bend	Gordon, Mrs.
Bell	Hale
Blankenship	Hamilton
Boethel	Hankamer
Bond	Hardeman
Boyer	Hardin
Bradbury	Harp
Bradford	Harper
Bray	Harrell of Bastrop
Bridgers	Harrell of Lamar
Brown of Cherokee	Hartzog
Brown	Heflin
of Nacogdoches	Holland
Bundy	Howard
Burkett	Howington
Cauthorn	Hull
Celaya	Hunt
Chambers	Isaacks
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Crossley	Kersey
Daniel	Kinard
Davis of Jasper	King
Dean	Langdon
Derden	Leonard
Dickison	Leyendecker
Dickson	Little
Donaghey	Lock
Dowell	Loggins
Dwyer	London
Faulkner	Mays
Felty	McAlister
Ferguson	McDonald
Fielden	McFarland

McMurry	Schuenemann
McNamara	Segrist
Mohrmann	Shell
Monkhouse	Skiles
Montgomery	Smith of Frio
Morris	Smith of Hopkins
Newell	Spencer
Nicholson	Stinson
Oliver	Stoll
Pace	Talbert
Petsch	Tennant
Pevehouse	Thornberry
Piner	Turner
Pope	Vale
Ragsdale	Vint
Reader of Bexar	Voigt
Reader of Erath	Waggoner
Reaves	Weldon
Reed	Wells
Rhodes	White
Riviere	Wilson
Roach	Winfree
Roberts	Wood
Robinson	Worley
Russell	

Nays—9

Allison	Lehman
Boyd	McDaniel
Broadfoot	Smith
Burney	of Matagorda
Davis of Upshur	Wright

Absent

Allen	Keith
Baker of Grayson	Tarwater
Clark	Taylor
Colquitt	Thornton
Corry	Westbrook
Harris	

(Speaker in the Chair.)

SUSPENDING CERTAIN JOINT RULES

Mr. Smith of Frio offered the following resolution:

H. C. R. No. 204, Suspending certain Joint Rules.

Be It Resolved by the House of Representatives, the Senate concurring, That all Rules of the House and of the Senate, and all necessary Joint Rules of both Houses be, and the same are hereby suspended, so that the House and the Senate can take up and consider until finally disposed of, the following bills:

House Bill No. 1135, by Thornberry
House Bill No. 1125, by Bond
House Bill No. 1144, by Howington
Senate Bill No. 478, by Pace

Senate Bill No. 489, by Redditt
Senate Bill No. 292, by Nelson
House Bill No. 58, by Spencer
House Bill No. 1140, by Howington
Senate Bill No. 396, by Shivers
House Bill No. 243, by Harp
House Bill No. 178, by Dwyer
House Bill No. 1039, by Galbreath
House Bill No. 644, by Celaya
House Bill No. 61, by Brown of Nacogdoches.

The resolution was read second time.

Mr. Langdon offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 204, by adding Senate Bill No. 476, House Bill No. 56, House Bill No. 758, and Senate Bill No. 435.

TAYLOR,
POPE,
LOGGINS,
REAVES.

The amendment was adopted.

The resolution, as amended, was adopted by the following vote:

Yeas—126

Allison	Dean
Alsup	Derden
Anderson	Dickison
Bailey	Dickson
Baker	Donaghey
of Fort Bend	Dwyer
Baker of Grayson	Faulkner
Bell	Ferguson
Blankenship	Fielden
Boethel	Fuchs
Bond	Galbreath
Boyd	Gilmer
Boyer	Goodman
Bradbury	Gordon, Mrs.
Bray	Hale
Bridgers	Hamilton
Brown of Cherokee	Hankamer
Brown	Hardeman
of Nacogdoches	Hardin
Bundy	Harper
Burkett	Harrell of Lamar
Burney	Harris
Cauthorn	Hartzog
Celaya	Heflin
Chambers	Holland
Cleveland	Howington
Cockrell	Hunt
Coleman	Isaacks
Colson, Mrs.	Johnson of Ellis
Cornett	Johnson of Tarrant
Corry	Kennedy
Crossley	Kern
Daniel	Kerr
Davis of Jasper	Kersey

Kinard	Rhodes
King	Riviere
Langdon	Roach
Leonard	Roberts
Leyendecker	Robinson
Little	Russell
Lock	Schuenemann
Loggins	Segrist
London	Shell
Mays	Skiles
McAlister	Smith of Frio
McDonald	Smith
McFarland	of Matagorda
McMurry	Spencer
McNamara	Stinson
Mohrmann	Stoll
Monkhouse	Tarwater
Montgomery	Taylor
Morris	Tennant
Newell	Thornberry
Nicholson	Thornton
Oliver	Turner
Pace	Vint
Petsch	Weldon
Pevehouse	Wells
Piner	White
Pope	Wilson
Reader of Bexar	Winfree
Reader of Erath	Wood
Reaves	Worley
Reed	

Nays—7

Allen	Lehman
Bradford	McDaniel
Broadfoot	Wright
Davis of Upshur	

Absent

Clark	Keith
Colquitt	Ragsdale
Dowell	Smith of Hopkins
Felty	Talbert
Harp	Vale
Harrell of Bastrop	Voigt
Howard	Waggoner
Hull	Westbrook

TO PROVIDE FOR CERTAIN CONFERENCE COMMITTEE

Mr. Petsch offered the following resolution:

H. C. R. No. 206, To provide for certain Conference Committee.

Whereas, The Legislature has adopted a sine die adjournment resolution whereby this Session of the Forty-sixth Legislature will end next Wednesday, noon; and

Whereas, Without question, the most important and paramount problem before this Session of the Legis-

lature, the financing of social security, remains entirely unsolved; and

Whereas, The importance of this subject and the very short time remaining for the accomplishment of this most important legislative duty requires adoption of the procedure herein proposed as a practical and final effort to perform this solemn obligation; now, therefore, be it

Resolved, That all Rules necessary be suspended and that the Speaker of the House of Representatives and the presiding officer of the Senate be directed to each appoint a committee of five (5) Members from the respective bodies, to be known as a Conference Committee, which Committee shall, if possible, agree upon a report to submit to the Senate and the House of Representatives in the form of a Joint Resolution, proposing an amendment to the Constitution, (which resolution for final adoption and submission shall receive not less than one hundred (100) votes in the House of Representatives and not less than twenty-one (21) votes in the Senate) which resolution shall levy taxes which will adequately finance the social security program of Texas.

The resolution was read second time.

Mr. Reader of Erath moved that the portion of the House Rule, which relates to personal privilege addresses be suspended, in order that addresses on personal privilege might not be restricted to personal privilege matters only.

The motion was lost by the following vote:

Yeas—65

Allen	Felty
Baker	Ferguson
of Fort Bend	Fielden
Baker of Grayson	Goodman
Broadfoot	Hamilton
Brown of Cherokee	Hankamer
Celaya	Harper
Chambers	Harrell of Bastrop
Clark	Harrell of Lamar
Cleveland	Hartzog
Cockrell	Howard
Colquitt	Hull
Colson, Mrs.	Johnson of Ellis
Daniel	Johnson of Tarrant
Davis of Jasper	Lehman
Dean	Leonard
Dickison	Little
Dickson	McAlister
Dwyer	McDaniel

McFarland	Segrist
McMurry	Shell
McNamara	Smith of Frio
Monkhouse	Smith of Hopkins
Montgomery	Taylor
Newell	Tennant
Oliver	Thornton
Pace	Turner
Pevehouse	Waggoner
Pope	Westbrook
Reader of Bexar	Wilson
Reader of Erath	Wood
Reed	Worley
Rhodes	Wright

Nays—74

Alsup	Isaacks
Anderson	Keith
Bailey	Kennedy
Bell	Kern
Blankenship	Kerr
Boethel	Kersey
Bond	Kinard
Boyd	King
Boyer	Langdon
Bradbury	Leyendecker
Bradford	Loggins
Bray	London
Bridgers	Mays
Brown	McDonald
of Nacogdoches	Mohrmann
Bundy	Nicholson
Burkett	Piner
Burney	Reaves
Cauthorn	Riviere
Coleman	Roach
Cornett	Roberts
Crossley	Robinson
Davis of Upshur	Russell
Derden	Schuenemann
Dowell	Skiles
Faulkner	Smith
Fuchs	of Matagorda
Galbreath	Spencer
Gordon, Mrs.	Stinson
Hale	Stoll
Hardeman	Talbert
Hardin	Tarwater
Harp	Thornberry
Harris	Vint
Heflin	Voigt
Holland	Weldon
Howington	Wells
Hunt	Winfree

Absent

Allison	Morris
Corry	Petsch
Donaghey	Ragsdale
Gilmer	Vale
Lock	White

Mr. Wells submitted the following point of order:

Mr. Speaker:

I raise the point of order, that Senate Joint Resolution No. 12 has been rejected by the House and is technically dead. How, then, can you send to a Conference Committee a dead resolution?

I raise the point of order, you have to suspend Joint Rules before this resolution can be adopted. The Senate must suspend the Rules and notify us of such suspension before a Conference Committee can be appointed by the House.

The Speaker overruled the point of order.

(Pending consideration of the resolution, Mr. Vint occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Morris moved the previous question, on the resolution by Mr. Petsch, and the main question was ordered.

Question recurring on the resolution by Mr. Petsch, it was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—91

Allen	Goodman
Allison	Hamilton
Alsup	Hankamer
Anderson	Hardin
Bailey	Harp
Baker of Grayson	Harper
Boyer	Harrell of Bastrop
Bradford	Harrell of Lamar
Bray	Hartzog
Broadfoot	Howard
Brown of Cherokee	Howington
Burkett	Hull
Celaya	Jonhson of Ellis
Chambers	Johnson of Tarrant
Clark	Kennedy
Cleveland	Kern
Cockrell	Kinard
Colquitt	Lehman
Colson, Mrs.	Leonard
Daniel	Little
Davis of Jasper	Lock
Dean	Loggins
Donaghey	McAlister
Dwyer	McDaniel
Felty	McDonald
Ferguson	McFarland
Fielden	McMurry
Fuchs	McNamara
Gilmer	Monkhouse

Newell	Smith of Frio
Nicholson	Smith of Hopkins
Oliver	Spencer
Pace	Talbert
Petsch	Taylor
Pevehouse	Tennant
Pope	Thornton
Reader of Bexar	Turner
Reader of Erath	Vale
Reed	Voigt
Rhodes	Waggoner
Roberts	Westbrook
Robinson	Wilson
Russell	Wood
Schuenemann	Worley
Segrist	Wright
Shell	

Nays—57

Baker	Holland
of Fort Bend	Hunt
Bell	Isaacks
Blankenship	Keith
Boethel	Kerr
Bond	Kersey
Boyd	King
Bradbury	Langdon
Bridgers	Leyendecker
Brown	London
of Nacogdoches	Mays
Bundy	Mohrmann
Burney	Morris
Cauthorn	Piner
Coleman	Ragsdale
Cornett	Reaves
Corry	Riviere
Crossley	Roach
Davis of Upshur	Skiles
Derden	Smith
Dickison	of Matagorda
Dickson	Stinson
Dowell	Stoll
Faulkner	Tarwater
Galbreath	Thornberry
Gordon, Mrs.	Vint
Hale	Weldon
Hardeman	Wells
Harris	White
Heflin	Winfree

Absent

Montgomery

MESSAGE FROM THE SENATE

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on House Bill No. 971 by the following vote: Yeas, 28; Nays, 0.

Adopted the Conference Committee Report on Senate Bill No. 224 by the following vote: Yeas, 21; Nays, 8.

Adopted

S. C. R. No. 71, Suspending all Joint Rules necessary for the final passage of House Bill No. 83.

Adopted the Conference Committee Report on Senate Bill No. 490 by the following vote: Yeas, 23; Nays, 4.

Adopted the Conference Committee Report on Senate Bill No. 179 by the following vote: Yeas, 26; Nays, 2.

Adopted the Conference Committee Report on House Bill No. 1000 by a viva voce vote.

Adopted the Conference Committee Report on House Bill No. 933 by the following vote: Yeas, 30; Nays, 1.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SUSPENDING CERTAIN JOINT RULES

The Speaker laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 71, Suspending certain Joint Rules.

Whereas, It being the desire of the Senate of the State of Texas to give consideration to the final passage to House Bill No. 83; and

Whereas, Under the Joint Rules, Section 9, such authority is denied during the last twenty-four (24) hours of the session; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That Section 9 of the Joint Rules, and all other rules, be and they are hereby suspended so that House Bill No. 83 may be further considered and finally passed.

The resolution was read second time.

The resolution was adopted by the following vote:

Yeas—100

Baker	Bradbury
of Fort Bend	Bradford
Baker of Grayson	Bray
Bell	Broadfoot
Blankenship	Brown
Boethel	of Nacogdoches
Bond	Burkett
Boyd	Burney
Boyer	Cauthorn

Clark	McAlister
Cleveland	McDaniel
Cockrell	McDonald
Coleman	McFarland
Colquitt	McMurry
Colson, Mrs.	Mohrmann
Cornett	Monkhouse
Crossley	Montgomery
Daniel	Morris
Davis of Jasper	Newell
Dean	Nicholson
Derden	Petsch
Dickison	Pevehouse
Dickson	Piner
Dowell	Pope
Faulkner	Reader of Bexar
Fuchs	Reader of Erath
Gilmer	Reed
Goodman	Rhodes
Hale	Riviere
Hamilton	Roberts
Hankamer	Robinson
Harp	Russell
Harper	Segrist
Harrell of Lamar	Skiles
Harris	Smith
Heflin	of Matagorda
Holland	Spencer
Howington	Stinson
Hunt	Talbert
Isaacks	Tarwater
Johnson of Ellis	Taylor
Keith	Tennant
Kennedy	Thornberry
Kerr	Thornton
Kersey	Turner
Kinard	Vale
King	Vint
Leonard	Waggoner
Little	Wells
Lock	White
Loggins	Worley
Mays	

Nays—29

Allen	Kern
Allison	Lehman
Alsup	Leyendecker
Bailey	McNamara
Brown of Cherokee	Oliver
Bundy	Pace
Chambers	Roach
Davis of Upshur	Smith of Hopkins
Donaghey	Stoll
Dwyer	Voigt
Ferguson	Weldon
Galbreath	Wilson
Gordon, Mrs.	Wood
Hardin	Wright
Howard	

Absent

Anderson	Celaya
Bridgers	Corry

Felty	London
Fielden	Ragsdale
Hardeman	Reaves
Harrell of Bastrop	Schuenemann
Hartzog	Shell
Hull	Smith of Frio
Johnson of Tarrant	Westbrook
Langdon	Winfree

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 933

The Speaker laid before the House, for consideration, at this time, the Conference Committee Report on House Bill No. 933.

The Report having been submitted to the House on yesterday and further consideration of same postponed until today.

Mr. Morris then moved that the Rules which provides that Conference Reports on appropriation bills be printed in the Journal forty-eight hours before being considered, be suspended in order to consider the Report at this time.

The motion to suspend the Rules prevailed by the following vote:

Yeas—138

Allen	Cockrell
Allison	Coleman
Alsup	Colquitt
Anderson	Colson, Mrs.
Bailey	Cornett
Baker	Crossley
of Fort Bend	Daniel
Baker of Grayson	Davis of Jasper
Bell	Davis of Upshur
Blankenship	Derden
Boethel	Dickison
Bond	Dickson
Boyd	Dowell
Boyer	Dwyer
Bradbury	Faulkner
Bradford	Felty
Bray	Ferguson
Bridgers	Fuchs
Broadfoot	Galbreath
Brown of Cherokee	Goodman
Brown	Gordon, Mrs.
of Nacogdoches	Hale
Bundy	Hamilton
Burkett	Hankamer
Burney	Hardeman
Cauthorn	Hardin
Celaya	Harp
Chambers	Harper
Clark	Harrell of Lamar
Cleveland	Harris

Heflin	Reader of Bexar
Holland	Reader of Erath
Howard	Reaves
Howington	Reed
Hull	Rhodes
Hunt	Riviere
Isaacks	Roach
Johnson of Ellis	Roberts
Kennedy	Robinson
Kern	Russell
Kerr	Schuenemann
Kersey	Segrist
Kinard	Shell
King	Skiles
Langdon	Smith of Frio
Lehman	Smith of Hopkins
Leonard	Smith
Leyendecker	of Matagorda
Little	Spencer
Lock	Stinson
Loggins	Stoll
London	Talbert
Mays	Tarwater
McAlister	Taylor
McDaniel	Tennant
McDonald	Thornberry
McFarland	Thornton
McMurry	Turner
McNamara	Vale
Mohrmann	Voigt
Monkhouse	Waggoner
Montgomery	Weldon
Morris	Wells
Newell	Westbrook
Nicholson	White
Oliver	Wilson
Pace	Winfree
Petsch	Wood
Pevehouse	Worley
Piner	Wright
Pope	
Absent	
Corry	Hartzog
Dean	Johnson of Tarrant
Donaghey	Keith
Fielden	Ragsdale
Gilmer	Vint
Harrell of Bastrop	

On motion of Mr. Morris, the Report was adopted.

HOUSE BILL NO. 836 WITH SENATE AMENDMENTS

Mr. Montgomery called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 836, A bill to be entitled "An Act amending Section 3 of Article 5221-C, Title 83 of the Revised Civil Statutes of the State of Texas, exempting certain boilers within the

city limits of cities having a population of 290,000, or over, from inspection, inspection fees, etc., and declaring an emergency."

On motion of Mr. Montgomery, the House concurred in the Senate amendments.

HOUSE BILL NO. 990 WITH SENATE AMENDMENTS

Mr. King called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 990, A bill to be entitled "An Act amending Article 7117, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1929, Forty-first Legislature, First Called Session, Chapter 50, page 109, Section 1, defining transfers in contemplation of death and providing for a tax on same; amending Article 7118, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1935, Forty-fourth Legislature, Chapter 356, page 922, paragraph 1; amending Article 7119, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1927, Fortieth Legislature, Chapter 62, page 87, Section 1; amending Article 7120, Revised Civil Statutes of the State of Texas, 1925; amending Article 7121, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts, 1927, Fortieth Legislature, Chapter 62, page 87, Acts, 1931, Forty-second Legislature, Chapter 72, page 109, Acts, 1933, Forty-third Legislature, Chapter 192, page 581, Section 2-b Subsection 20 providing in each case for an increase in taxes by lowering the brackets and increasing the rates of taxation to each class etc., and declaring an emergency."

On motion of Mr. King, the House concurred in the Senate amendments.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 363

Mr. Kinard submitted the following Conference Committee Report on House Bill No. 363:

Austin, Texas, June 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the dif-

ference between the Senate and the House on House Bill No. 363, have met and beg leave to recommend that said House Bill No. 363 be passed in the form hereto attached.

Respectively submitted,

SHIVERS,
BURNS,
REDDITT,
MOORE.

On the part of the Senate.

KINARD,
BOYD,
HARTZOG,
HEFLIN,
HOWARD.

On the part of the House.

H. B. No. 363

A BILL

To Be Entitled

An Act providing for the display of the United States Flag at all public schools; providing for installation of Chair of Americanism in all State Universities and State-supported colleges; requiring teaching of a brief history of the Constitution; requiring that parliamentary law and a brief history of the rise of representative government be taught in all public schools and that the Board of Education provide for such instruction; excepting schools already complying with the law requiring the teaching of the Constitution; providing that all teachers in State-supported schools shall be citizens of the United States with certain exceptions, providing for dismissal of any department head, principal, or teacher for failure to comply with the requirements of the Act, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. All public schools within this State shall display the Flag of the United States on suitable flag poles on or near the school buildings, and such display shall be made each day in accordance with good flag etiquette.

Sec. 2. In all State Universities and State-supported colleges there shall be installed a Chair of Americanism, teaching a brief history of the Constitution. The governing boards of the several institutions of higher learning giving courses in government in compliance with this Section and/or

existing law shall determine the number of hours of such courses to be required for all degrees granted by such institutions, but in no case shall less than three hours be required. The requirements of this Section relating to the establishment of a Chair of Americanism shall not apply to State Universities or State-supported schools that are now complying with the law requiring the teaching of the Constitution.

Sec. 3. In all public schools, the subject of parliamentary law together with a brief history of the rise of representative government shall be taught. The State Board of Education shall provide for such instruction.

Sec. 4. No person shall be employed by the colleges, universities or other State-supported educational system of the State of Texas or in any way be associated in a remunerative capacity with the educational system of the State of Texas, who is not a citizen of the United States, unless such person, who is not a citizen shall have instituted naturalization proceedings at least one year prior to application for employment and pursued such proceedings as rapidly as permitted by law; providing that the continued employment of such person shall be contingent upon the completion of naturalization proceedings, and the securing of full citizenship with all possible dispatch; and providing further that nothing in this Act shall be construed as prohibiting the employment of scholars from other American or foreign universities in exchange relationship, or otherwise, for a period of not to exceed one year.

Sec. 5. Willful neglect or failure on the part of the head of any department, or principal or teacher in our State-supported institutions of learning to observe and carry out the requirements of this Act shall be sufficient cause for the dismissal or removal of such party from his or her position.

Sec. 6. The fact that many agencies of foreign isms are seeking to overthrow our Democratic form of Government constitutes an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force

from and after its passage, and it is so enacted.

Mr. Kinard moved that the Report be adopted.

Mr. Alsup raised a point of order, on further consideration of the Report, at this time, on the ground that the Conference Committee Report on House Bill No. 363 contains new matter and not in disagreement between the two Houses.

The Speaker overruled the point of order.

Mr. Alsup moved, as a substitute motion, that the Conference Committee Report on House Bill No. 363 be not adopted, and that a new Conference Committee be requested.

Mr. Kinard moved to table the substitute motion by Mr. Alsup.

The motion to table was lost.

Mr. Keith moved the previous question, on the motion by Mr. Kinard, and substitute motion by Mr. Alsup, and the main question was ordered.

Question recurring on the substitute motion by Mr. Alsup, it prevailed.

INSTRUCTIONS TO CONFERENCE COMMITTEE ON HOUSE BILL NO. 363

Mr. Alsup submitted the following motion:

"I move to instruct the conferees on House Bill No. 363 to delete Section 3 thereof."

The motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 363

The Speaker announced the appointment of the following Conference Committee on House Bill No. 363: Messrs. Kinard, Boyd, Hartzog, Heflin and Howard.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1000

Mr. Gilmer submitted the following Conference Committee Report on House Bill No. 1000:

Austin, Texas, June 20, 1939.

Hon. Coke Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differ-

ences between the Senate and the House of Representatives on House Bill No. 1000, have had the same under consideration and we recommend to the Senate and to the House of Representatives that such bill pass in the form attached hereto.

Respectfully submitted,

WINFIELD,
SPEARS,
METCALFE,
BROWNLEE,
KELLEY,

On the part of the Senate.

GILMER,
ANDERSON,
FELTY,
HANKAMER,
PETSCH,

On the part of the House.

H. B. No. 1000

A BILL

To Be Entitled

An Act applicable to the Counties of Mason, Menard, Kerr, Schleicher, Crockett, Sutton, Kimble, Real, Edwards, Blanco, Llano, Kendall, Gillespie, El Paso, Hudspeth, Culberson, Val Verde, Kinney, Terrell, Medina, and Brewster, State of Texas; requiring a resident hunting license of any resident citizen of this State hunting in said Counties, with certain exemptions; requiring a resident fishing license of any resident citizen of this State fishing in said Counties, with certain exemptions; excepting certain waters from the provisions of the Act; providing for the remittance to the Game, Fish and Oyster Commission of all funds collected under the provisions of this Act and providing for the disposition of same; providing a limit of not more than two (2) wild turkey gobblers in each open season; providing suitable penalties for violation of any provision of this Act; repealing all laws, in so far as they conflict with any provision of this Act; especially repealing House Bill No. 1173, being Chapter 494, General and Special Laws, Forty-fifth Legislature; providing the rule of construction, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. The provisions of this Act shall apply to the Counties of

Mason, Menard, Kerr, Schleicher, Crockett, Sutton, Kimble, Real, Edwards, Blanco, Llano, Kendall, Gillespie, El Paso, Hudspeth, Culberson, Val Verde, Kinney, Terrell, Medina, and Brewster.

Sec. 2. It shall be unlawful for any resident citizen of this State to hunt in the Counties named in Section 1 of this Act without first having procured from the Game, Fish and Oyster Commission or one of its authorized agents, a resident hunting license for which he shall pay the sum of Two (\$2.00) Dollars; Fifteen (15) Cents of which shall be retained by the officer issuing such license as his fee for collecting same, and which license shall be valid until August 31st following the date of issuance of such license, provided that such license shall not be required of any person under seventeen (17) years of age or of any person hunting on land which he owns or upon which he resides. Provided further, that any person owning a resident or a non-resident hunting license purchased in any county in Texas shall be entitled to hunt in any county in Texas and shall not be required to purchase any other license because of the provisions of this Act.

Sec. 3. It shall be unlawful for any resident citizen of this State to catch or attempt to catch any fish in any County named in Section 1 of this Act without first procuring a resident fishing license from the Game, Fish and Oyster Commission or from one of its authorized agents, for which he shall pay the sum of Fifty-five (55) Cents; Five (5) Cents of which shall be retained by the officer issuing such license as his fee for collecting, provided that such resident fishing license shall not be required of any person under seventeen (17) years of age or of any person fishing in the county of his residence on lands which he owns or upon which he resides or of any person who holds an artificial lure license or a commercial fisherman's license. The provisions of this Section shall not extend to nor include the waters of the Colorado River, nor of Inks Lake nor of Buchanan Lake.

Sec. 4. All moneys collected from the sale of hunting license in the Counties named in Section 1 of this Act, after the fee for collecting same has been deducted, shall be remitted

to the Game, Fish and Oyster Commission at their office in Austin, Texas, by the tenth day of the month following the date of issuance of such licenses and shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of the Special Game Fund of each of the several counties and shall be used for any or all of the purposes provided by law and not less than ninety (90) per cent of the amount collected in each County to which this Act applies shall be expended in such respective County from which such funds were collected. All moneys collected from the sale of fishing licenses, in the Counties named in Section 1 of this Act, after the fee for collecting same has been deducted, shall be remitted to the Game, Fish and Oyster Commission at their office in Austin, Texas, by the tenth day of the month following the date of issuance of such licenses and shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of the Fish Propagation and Protection Fund and shall be used for any or all of the purposes provided by law, and not less than ninety (90) per cent of the amount collected in each County to which this Act applies shall be expended in such respective County from which such funds were collected.

Sec. 4a. The Game Department shall keep an accurate account of the amounts of moneys collected under the provisions of Sections 2 and 3 of this Act and expended in each of the several counties and the purposes for which such moneys were expended; a copy of such account shall be mailed to the County Judge of each of the several counties within thirty (30) days after the close of the fiscal year.

Sec. 5. Any resident citizen of this State who hunts or attempts to hunt or who fishes or attempts to catch fish without first procuring the license required of him by the provisions of this Act or who fails or refuses on demand by any officer to show such officer the license required of him by this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars and shall automatically forfeit any license issued to him under the provisions of this Act and any of the privileges

given thereunder for a period of one year following date of conviction.

Sec. 5a. No person shall be allowed to kill or take in any of the above named Counties, more than two (2) wild turkey gobblers during the open season, as provided by law, of any year, and each gobbler killed by any one person, above the limit herein prescribed, shall be a separate offense.

Sec. 5b. Any person violating any provision of Section 5a of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars, and shall automatically forfeit any license issued to him under the provisions of this Act for a period of one year following date of final conviction.

Sec. 6. All laws or parts of laws, in so far as they conflict with any portion of this Act be and the same are hereby repealed and House Bill No. 1173, being Chapter 494, General and Special Laws, Forty-fifth Legislature, is hereby specially repealed.

Sec. 7. If any paragraph, Section, or part of this Act is held unconstitutional or inoperative it shall not affect any other paragraph, Section, or part of this Act and the remainder of this Act, except the part declared unconstitutional or inoperative, shall continue to be in full force and effect.

Sec. 8. The fact that the existing law with reference to hunting and fishing licenses does not provide the necessary funds for adequate conservation of the game and fish resources of the Counties to which this Act applies, and the fact that a large number of persons who hunt and/or fish in said Counties are now exempt from payment of licenses, create an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted.

On motion of Mr. Gilmer, the Report was adopted.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1061

Mr. Clark submitted the following Conference Committee Report on House Bill No. 1061:

Austin, Texas, June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the difference between the Senate and the House on House Bill No. 1061, have met and beg leave to recommend that said House Bill No. 1061 be passed in the form hereto attached.

Respectfully submitted,

SHIVERS,

MOORE,

ROBERTS,

BURNS,

HEAD.

On the part of the Senate.

CLARK,

BOYER,

MONTGOMERY,

McNAMARA,

On the part of the House.

H. B. No. 1061

A BILL

To Be Entitled

An Act providing amount of payment to the Executive Committee in order to have the name placed on official ballot for Representative and Floterial Representative and Floterial Representative No. 2 in certain counties; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That from and after the effective date of this Act, in all counties in this State having a population of not less than one hundred and thirty three thousand, three hundred and ninety-one (133,391), and not more than one hundred and fifty thousand (150,000), and in all counties in this State having a population of not less than fifteen thousand, one hundred and forty-nine (15,149) and not more than fifteen thousand, five

hundred and twenty-five (15,525), according to the last preceding Federal Census, no person who is a candidate in a primary election of such counties, for nomination for State Representative, shall have his or her name placed on the primary ballot to be voted on at any election unless and until he or she has paid to the County Executive Committee of the political party, whose nomination he or she seeks, the sum of One Hundred (\$100) Dollars; provided, however, that where said Counties are a part of a Floterial Representative District, the Floterial Representative in such counties shall not have his or her name placed on the official ballot for Floterial Representative unless and until he or she shall have paid to the Chairman of the County Executive Committee of the political party, whose nomination he or she seeks, the sum of Fifty (\$50) Dollars, in each of said Counties.

Sec. 2. All laws and parts of laws in conflict herewith are repealed to the extent of the conflict only.

Sec. 3. The fact that the Executive Committee in some of the counties embraced within this Act, do not have the right to assess a fee in excess of One (\$1) Dollar against candidates for Representative in the State Legislature, and the fact that this fee is inequitable compared with the fees charged candidates for other offices create an emergency and an imperative public necessity that the Constitutional Rule requiring that all bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after the date of its passage, and it is so enacted.

On motion of Mr. Clark, the Report was adopted.

**ADOPTION OF CONFERENCE
COMMITTEE REPORT
ON HOUSE BILL
NO. 17**

Mr. Boyer submitted the following Conference Committee Report on House Bill No. 17:

Austin, Texas, June 20, 1939.

Hon. Coke Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differ-

ences between the Senate and the House of Representatives on House Bill No. 17, have had the same under consideration and we recommend to the Senate and to the House of Representatives that such bill pass in the form attached hereto.

Respectfully submitted,

SMALL,
GRAVES,
SHIVERS,

On the part of the Senate.

BOYER,
DONAGHEY,
HARDEMAN,
BRADFORD,
PINER,

On the part of the House.

H. B. No. 17

A BILL

To Be Entitled

An Act providing a title for the Act; providing the definition of certain words, terms, and phrases; providing certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant; and requiring the recommendation of the applicant by three (3) real estate owners; providing a partnership, association, or corporation licenses under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing certain restrictions; providing for the licensing of non-resident real estate dealers and salesmen and making certain requirements discretionary if non-resident is licensed under the laws of another State; making provision for requisition of information of applicant and vesting Administrator of the Securities Division of the office of the Secretary of State with power to make rules and regulations connected with application for a license; requiring issuance of license if certain conditions are satisfied; and providing

for issuance of temporary license under certain conditions; and providing a pocket card for each licensee; prescribing its form; and providing licensee shall maintain a definite place of business which may be his home and providing for display of dealer's and his salesman's license in dealer's place of business, and providing that the dealer may remove location of business within the county of such dealer's residence without further application; providing that duplicate licenses shall be displayed in all branch offices and providing licensee can transact business from only one office unless notice given within ten (10) days of change of location; providing procedure for dealer and salesman to follow when salesman changes employer; providing that not more than one license can be issued to a salesman for the same period; and providing for issuance of new license when salesman transfers and payment of transfer fee; providing for a hearing if applicant for a license is refused; providing for investigation of certain dealers and salesmen; and giving Administrator of the Securities Division of the office of the Secretary of State power to revoke or refuse to renew license of any dealer or salesman guilty of certain acts; and providing that revocation of license or refusal to renew shall not relieve person or company from civil or criminal liability; providing for hearing before license suspended or revoked; authorizing certain procedure and making provision for appeal to the Courts; providing no action can be maintained in Courts to collect commissions for performing certain acts unless one proves he is licensed dealer or salesman; conferring on the Administrator of the Securities Division of the office of the Secretary of State, or one duly authorized, the authority to require by subpoena the attendance of witnesses, taking of depositions, and the production of books, accounts, records, papers, and correspondence relative to matters which the Administrator of the Securities Division of the office of the Secretary of State may investigate and conferring upon Administrator of the Securities Division of the

office of the Secretary of State and one duly authorized the authority to issue subpoenas, administer oaths, and affirmations, examine witnesses, and receive evidence; and providing for the aid of the Courts if necessary; providing for punishment for contempt; and providing for fees of witnesses, other fees, costs, and expenses; providing for the time and method of appeal to the Courts by person aggrieved under this Act and proper procedure after such appeal; providing that certain fees are to be charged and collected by the Administrator of the Securities Division of the office of the Secretary of State; providing for expiration date of licenses granted; making provisions for the deposit of fees collected under terms of this Act; providing for the payment of salaries of employees and expenses of administration and for disbursement of funds collected under this Act; providing that certified copies of all instruments and documents filed in the office of the Administrator of the Securities Division of the office of the Secretary of State shall be admitted as evidence; providing that Courts may require the production of original instruments and documents; and providing that in any proceedings based on the provisions of this Act, a certificate of the Administrator of the Securities Division of the office of the Secretary of State under the seal of the State shall constitute prima facie evidence of compliance or noncompliance with the terms of this Act; making it unlawful to pay commission to one not licensed hereunder; and providing salesman cannot accept compensation from one not licensed; providing a penalty for fraudulent action by any unlicensed person or any other person; providing when law not applicable; providing that in the event any provision of this Act is declared void or unconstitutional that remaining provisions shall remain in full force and effect, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. This Act shall be known and may be cited as "The Real Estate Dealers License Act."

Section 2. The following terms

shall, unless the context otherwise indicates, have the following meanings:

(a) (1) The term "Real Estate Dealer" shall include every person or company, other than a salesman, and licensed and registered attorneys, who for another or others for compensation or other valuable consideration, or who with the intention of in the expectation or upon the promise of receiving or collecting compensation or other valuable consideration, lists for sale, sells, exchanges, buys, or rents, or offers, or attempts, or agrees to negotiate a sale, exchange, purchase, or rental of an estate or interest in real estate, or collects, or offers, or attempts, or agrees to collect rent for the use of real estate, or negotiates, or offers, or attempts, or agrees to negotiate a loan, secured or to be secured by mortgage or other incumbrance upon or transfer of real estate; or auctions, or offers, or attempts, or agrees to auction any real estate; or appraises, or offers, or attempts, or agrees to appraise any real estate; or who advertises, or holds itself, himself, or themselves out as engaged in the business of selling, exchanging, buying, renting, or leasing real estate, or assists or directs in the procuring of prospects, or the negotiation or closing of any transaction which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate, or who buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate or in the improvements thereon.

(2) The term "Real Estate Dealer" shall also include any person or company employed by or on behalf of the owner or owners of lots or other parcels of real estate at a stated salary, or upon a commission, or upon a salary and commission basis, or otherwise, to sell such real estate in any parts thereof, in lots or other parcels, and who shall sell or exchange, or offers, or attempt, or agrees to negotiate the sale or exchange of any such lot or parcel of real estate; provided, however, if the owner of lots or other parcels is engaged in the business of buying, selling, exchanging, leasing, renting of property and holding himself out as a full or part time dealer in real estate, then such person employed by said owner may be licensed as a salesman

of said owner if said owner has been licensed as a dealer in real estate.

(3) The term "Real Estate Dealer" shall also include any person or company engaged in the business of buying, selling, exchanging, leasing, renting of property on his or its own account and holding himself or itself out as a full or part time dealer in real estate.

(b) The term "Real Estate Salesman" shall mean and include any person or company employed or engaged by or in behalf of a licensed real estate dealer to do or deal in any act, acts, or transactions set out and comprehended by the definition of a "Real Estate Dealer" in Section 2, Subsection (a) of this Act.

(c) If the sense requires it, words in the present tense include the future tense; in the masculine gender, include the feminine or neuter gender; in the singular number, include the plural number; in plural number, include the singular number; "and" may be read "or;" and "or" may be read "and."

Sec. 3. The provisions of this Act shall not apply to, and the terms "Real Estate Dealer" and "Real Estate Salesmen," as above defined, shall not include:

(a) Any person or company who, as owner or lessor, shall perform any of the acts set out in Section 2, Subdivision (a) with reference to property owned or leased by them, or to the regular employees thereof with reference to the property owned or leased by such person or company where such acts are performed in the regular course of, or as incident to, the management of such property and the investment therein, unless such person or company is engaged in the business of buying, selling, exchanging, leasing, or renting of property and holding himself or itself out as a full or part time dealer in real estate.

(b) Persons acting as an attorney in fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing, or exchange of real estate; services rendered by an attorney at law receiver, trustee in bankruptcy, administration, or executor, or any person doing any of the acts specified in Section 2, Subdivision (a) of this Act under order

of any Court; a trustee acting under a trust agreement, deed of trust, or will, or the regular salaried employees thereof.

(c) Any person, partnership, or corporation who has secured a license under Texas Securities' Act, House Bill No. 521, Regular Session, Forty-fourth Legislature.

Sec. 4. Any one act set out in Section 2, Subdivision (a) of this Act when performed for another or others for compensation or valuable consideration or who with the intention or in the expectation or upon the promise of receiving or collecting compensation shall constitute a person or company performing, offering or attempting to perform such act or acts, a real estate dealer or a real estate salesman within the meaning of this Act.

Sec. 5. The administration of the provisions of this Act shall be vested in the Securities Division of the office of the Secretary of State.

(b) The Secretary of State is hereby empowered to employ an Executive Secretary; the salary of such Executive Secretary shall not exceed the sum of Two Hundred (\$200) per month.

(c) The Administrator of the Securities Division is hereby empowered to examine witnesses and administer oaths, and it shall be his duty to investigate persons doing business in real estate in this State to ascertain whether they are violating any of the provisions of this Act and to keep such records and minutes as shall be necessary to an orderly dispatch of business.

Sec. 6. Any applicant desiring to act as a real estate dealer in this State shall file with the Administrator of the Securities Division of the office of the Secretary of State an application for a license therefor. The application shall be in such form as the Administrator of the Securities Division of the office of the Secretary of State may prescribe, and shall set forth:

(1) The name and address of the applicant. If the applicant shall be a partnership or association, the name of each member thereof; if it is a corporation, the name of each director thereof.

(2) The name under which the business shall be conducted.

(3) The place or places, including the street and number, town, village,

or city and county where the business is to be conducted.

(4) The business or occupation engaged in by the applicant for a period of three (3) years immediately preceding the date of application. If an applicant be a partnership or association, by each member thereof; if a corporation by each officer thereof.

(5) The time and place and experience of the applicant in the real estate business as a dealer or salesman. If an applicant be a partnership or association, by each member thereof; or if a corporation, by each officer thereof.

(6) Whether the applicant has ever been convicted or is under indictment for embezzlement, obtaining money under false pretense, larceny, extortion, conspiracy to defraud, or other like offense or offenses. If an applicant be a partnership or association, whether any member thereof has been convicted or indicted; if the applicant be a corporation, whether any officer or director has been convicted or indicted.

(7) Whether the applicant has been refused a real estate dealer's or salesman's license, or any other occupational or professional license in any other State; or whether his license as a dealer or salesman or any other occupational or professional license has been suspended or revoked in any other State. If the applicant be a partnership or association, whether any member has had his license as a dealer or salesman suspended or revoked or refused in any other State. If the applicant be a corporation, whether any officer or director thereof has had his license as a dealer or salesman, or any other occupational or professional license, suspended, or revoked or refused in any other State.

(8) If the applicant is a partnership, association, or corporation, the name of the designated member or officer thereof who is to receive his license by virtue of the issuing of a license to the partnership, association, or corporation as is provided for in Section 5, Subdivision (d) of this Act.

(9) If the applicant is a member of a partnership, association, or corporation, or an officer of a corporation, the name and office address of the partnership, or association or corporation of which said applicant is a member or officer.

(10) Such application for a dealer's license shall be made by applicant. If such application is made by a partnership or association, it shall be filed by two (2) members thereof. If made by a corporation, it shall be filed by the President and Secretary thereof.

(b) Such application shall be accompanied by the recommendations of at least three (3) citizens, not related to the applicant, who have owned real estate for a period of three (3) years or more in the county in which the applicant resides or intends to reside or establish his place of business, and who have known applicant for a period of three (3) years or more, which recommendation shall be under oath, and shall certify that the applicant has a reputation for honesty, truthfulness, fair dealing, and competency, and recommending that license be granted to the applicant.

(c) If the applicant cannot procure such recommendations for the reason that he has not resided in the county for three (3) years he may furnish three (3) recommendations from any person where the applicant may have resided for three (3) years prior to the filing of his application.

(d) Every partnership and association in its application shall designate and appoint one of its members, and every corporation in its application shall designate and appoint one of its officers to submit an application for a dealer's license. The application of the said partnership, association, or corporation and the application of said member or officer so designated shall be filed with the Administrator of the Securities Division of the office of the Secretary of State together. Upon compliance with all requirements of law by the partnership, association, or corporation, as well as by said designated member or officer, the Administrator of the Securities Division of the office of the Secretary of State shall issue a dealer's license to said partnership, association, or corporation, which shall bear the name of such member or officer, and thereupon the member or officer so designated shall, without payment of any further fee, be entitled to perform all the acts of a real estate dealer contemplated by the provisions of this Act; provided, however, said license shall entitle such member or officer so designated to act as a real estate

dealer only as officer or agent of said partnership, association, or corporation and not in his own behalf; and provided further that if in any case the person so designated shall be refused a license by the Administrator of the Securities Division of the office of the Secretary of State, or in case such person ceases to be connected with such partnership, association, said partnership, association, or corporation shall be entitled to designate another person to qualify and act as in the first instance.

(e) Each and every member or officer of a partnership, association, or corporation who will perform or engage in any of the acts specifically set out in Section 2, Subdivision (a) of this Act, other than the designated member or officer of the partnership, association, or corporation, in the manner above provided, shall be required to make application for and take out a separate dealer's license in his or her own name individually; provided, however, that the license issued to such member or officer of a partnership, association, or corporation shall entitle such member or officer to act as a real estate dealer only as officer or agent of said partnership, association, or corporation and not on his own behalf.

(f) Every application for a salesman's license shall be made in writing upon a form prescribed by the Administrator of the Securities Division of the office of the Secretary of State and shall contain such information as is required in a dealer's application, and shall also set forth the period of time, if any, such applicant has been in such business, stating the name and address of his last employer, the name and place of business of the person or company then employing him, and in what capacity he is employed or into whose service he is about to enter. The application shall be accompanied by a verified written statement by the dealer into whose service he is about to enter, certifying that in his opinion the applicant is honest, truthful, and of good reputation and recommending that the applicant be granted a license. Every application for a salesman's license shall be verified by the applicant.

(g) Every application for a real estate dealer's license or a real estate salesman's license shall be accom-

panied by a fee prescribed in Section 16 of this Act.

Sec. 7. (a) No applicant shall be eligible to be licensed under the terms of this Act unless such applicant is at the time of the filing of such application an actual bona fide resident of this State and shall have been an actual bona fide resident of this State for at least sixty (60) days immediately preceding the filing of such application. Provided, however, this provision shall not apply to non-resident applicants who may apply for license under the terms of subdivision (b) hereinafter set forth.

(b) A nonresident of this State may be licensed as a real estate dealer or salesman provided such non-resident is at the time licensed under the laws of the State where he resides and which said State has legal requirements which have for their purpose the standards proposed in this Act; provided, however, that such nonresident must procure from the Administrator of the Securities Division of the office of the Secretary of State a certificate recognizing and approving the reliability and standing of such nonresident in such other State.

(c) A nonresident who applies for a license under the privilege accorded under Section 6 of this Act and to whom a license is issued upon compliance with all other requirements of law and provisions of this Act, shall not be required to maintain a definite place of business within this State; provided, such nonresident, if a dealer, shall maintain an active place of business within the State of his domicile; and provided further that the privilege of so submitting the license of the place of his domicile of a non-resident applicant in lieu of the recommendations and requirements of this Act shall only apply to real estate dealers and real estate salesmen of the States under the laws of which similar recognition and courtesies are extended to licensed real estate dealers and real estate salesmen of this State.

(d) Every nonresident applicant, before the issuance of a license, shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper Court of any county in this State in which the cause may arise or in which the plaintiff may reside by service of process on the Administrator of the

Securities Division of the office of the Secretary of State or his agent, and stipulating and agreeing that said service of process shall be taken and held by all Courts to be as valid and binding as if due service had been made upon said applicant personally within this State. Said instrument containing such consent shall be authenticated by the seal thereof, if a corporation, and by the acknowledged signature of a member or officer thereof, if otherwise. All such applications, except from individuals, shall be accompanied by a certified copy of the resolution of the proper officers to execute the same. In case any process for service upon the Administrator of the Securities Division of the office of the Secretary of State, it shall be by duplicate copies, one of which shall be filed in the office of the Administrator of the Securities Division of the office of the Secretary of State, and the other immediately forwarded by registered mail to the main office of the applicant against whom said process is directed.

(e) Any person, firm, partnership, association, or corporation holding a real estate dealer's license, or a real estate salesman's license, or both, who are non-residents of the State and are licensed by the State of their residence to deal in real estate are entitled to have a license issued to them to operate in this State, subject to the provisions of this Act, upon the payment of a fee of One (\$1.00) Dollar and the presentation of an affidavit to the Securities Division of the Secretary of State from the agency of the State of his residence showing that he is licensed to do business in that State.

Sec. 8. Application for a real estate dealer's or real estate salesman's license shall contain such other information as to the applicant, in addition to the above described, as the Administrator of the Securities Division of the office of the Secretary of State shall require. The Administrator of the Securities Division of the office of the Secretary of State may require such other proof through the application or otherwise as its officers shall deem desirable with due regard to the paramount interest of the public as to the honesty, truthfulness, integrity, and competency of the applicant.

Sec. 9. If the Administrator of the Securities Division of the office of the Secretary of State is satisfied that the applicant for real estate dealer's or real estate salesman's license is of good business repute and that the business will be conducted in an honest, fair, just, and equitable manner, and upon complying with all other provisions of law and conditions of this Act, a license shall thereupon be granted by the Administrator of the Securities Division of the office of the Secretary of State to the successful applicant therefor as a real estate dealer or real estate salesman, and the applicant, upon receiving possession of license, is authorized to conduct the business of a real estate dealer or real estate salesman in this State.

(b) The Administrator of the Securities Division of the office of the Secretary of State may, within the first thirty (30) days after the effective date of this Act, issue to any applicant a temporary permit to operate as a real estate dealer or real estate salesman for a period not to exceed sixty (60) days after the last day of said thirty-day period, which permit shall be in such form as the Administrator of the Securities Division of the office of the Secretary of State shall prescribe, but after the expiration of the said sixty (60) days, the Administrator of the Securities Division of the office of the Secretary of State shall not have the authority to issue any temporary permits.

(c) The Administrator of the Securities Division of the office of the Secretary of State shall issue to each licensee a license in such form and size as shall be prescribed by the Administrator of the Securities Division of the office of the Secretary of State. This license shall show the name and address of the licensee, and in case of a real estate salesman's license shall show the name of the real estate dealer by whom he is employed. Each license shall have imprinted thereon the Seal of the State of Texas, and in addition to the foregoing shall contain such matter as shall be prescribed by the Administrator of the Securities Division of the office of the Secretary of State. The license of each real estate salesman shall be delivered or mailed to the real estate dealer by whom such real estate salesman may be employed and shall be kept under the custody and control of such dealer.

(d) The Administrator of the Securities Division of the office of the Secretary of State shall prepare and deliver to each licensee a pocket card, which card, among other things, shall contain an imprint of the Seal of the State of Texas and shall certify that the person whose name appears thereon is a licensed real estate dealer or real estate salesman, as the case may be, and if it is a real estate salesman's card, it shall also contain the name and address of his employer; the matter to be printed on such pocket card, except as above set forth, shall be prescribed by the Administrator of the Securities Division of the office of the Secretary of State.

(e) Every real estate dealer licensed under this Act shall have and maintain a definite place of business in this State, and such place of business may be in a portion of licensee's home set aside for said purpose. The license of the real estate dealer shall at all times be prominently displayed in licensee's place of business, and a duplicate of said license shall likewise be prominently displayed in all branch offices of the licensee. The said place of business shall be specified in the application for license and designated in the license.

(f) All real estate dealers shall also prominently display in their place or places of business the license of all real estate salesmen employed by them therein or in connection therewith. All licenses issued to real estate salesmen shall designate the employer of said salesmen by name.

(g) Prompt notice in writing within ten (10) days shall be given to the Administrator of the Securities Division of the office of the Secretary of State by any real estate salesman of his change of employer and of the name of the new employer into whose service such salesman is about to enter or has entered, and a new license shall thereupon be issued by the Administrator of the Securities Division of the office of the Secretary of State to such salesman for the unexpired term of the original license; provided, that such new employer shall be a duly licensed real estate dealer. The change of employer or employment by any licensed real estate salesman without notice to the Administrator of the Securities Division of the office of the Secretary of State as aforesaid shall automatically cancel the license to him theretofore issued, and it shall

be the duty of the employer named in such license to deliver or mail by registered mail to the Administrator of the Securities Division of the office of the Secretary of State within five (5) days such real estate salesman's license. The real estate dealer shall at the time of mailing such real estate salesman's license to the Administrator of the Securities Division of the office of the Secretary of State, notify the salesman thereof at the address of such real estate salesman that his license has been delivered or mailed to the Administrator of the Securities Division of the office of the Secretary of State. A copy of such communication to the real estate salesman shall accompany the license when mailed or delivered to the Administrator of the Securities Division of the office of the Secretary of State. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this Act, either directly or indirectly under authority of said license from and after the date of receipt of said license from said dealer by the Administrator of the Securities Division of the office of the Secretary of State; provided, that another license shall not be issued to such real estate salesman until he shall return his former pocket card to the Administrator of the Securities Division of the office of the Secretary of State or shall satisfactorily account to the Administrator of the Securities Division of the office of the Secretary of State for the same; provided, further, that not more than one license shall be issued to any real estate salesman for the same period of time. The Administrator of the Securities Division of the office of the Secretary of State shall issue a new license to said salesman upon the filing of an application for a transfer and the payment of a transfer fee of One (\$1.00) Dollar.

Sec. 10. If the Administrator of the Securities Division of the office of the Secretary of State declines or fails to license an applicant, he shall immediately give notice of the fact to the applicant and upon request from such applicant filed within ten (10) days after the receipt of such notice, shall fix a time and place for hearing, of which ten (10) days notice shall be given to such applicant and to other persons interested or protesting to offer evidence relating to the real estate dealer's application. In

each such case the Administrator of the Securities Division of the office of the Secretary of State shall fix the time of such hearing on a date within thirty (30) days from receipt of the request for the particular hearing, provided the time of hearing may be continued from time to time on consent of the applicant. If satisfied as aforesaid as a result of such hearing, the Administrator of the Securities Division of the office of the Secretary of State shall thereupon license the real estate dealer.

Sec. 11. The Administrator of the Securities Division of the office of the Secretary of State may upon his own motion and shall upon the verified complaint in writing of any person, investigate the actions of any real estate salesman or real estate dealer or any person who shall assume to act in either such capacity within this State, and may suspend or revoke or refuse to renew any license at any time where the real estate salesman or real estate dealer in performing or attempting to perform any act as a real estate dealer or real estate salesman, or in any transaction involving the leasing or sale of an interest in real estate, is guilty of:

(1) Knowingly making any substantial misrepresentation, or

(2) Making any false promises with intent to influence, persuade, or induce, or

(3) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents or salesmen, or advertising or otherwise, or

(4) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto, or

(5) Failure within a reasonable time to account for or to remit any moneys coming into his possession which belong to others, or

(6) Any other conduct, whether of the same or a different character than hereinabove specified, which constitutes dishonest dealings.

The Administrator of the Securities Division of the office of the Secretary of State may also suspend or revoke or refuse to renew the license of any licensee who at any time has:

(1) Procured a license under this Act for himself or any salesman by fraud, misrepresentation, or deceit, or

(2) Has been convicted of a felony, knowledge of which the Administrator of the Securities Division of the office of the Secretary of State did not have at the time of last issuing a license to such licensee, or

(3) Wilfully disregarded or violated any of the provisions of the law, or

(4) Demanded from an owner a commission to which he is not justly entitled, or

(5) Paid commissions or fees to, or divided commissions or fees with anyone not licensed as a real estate dealer or salesman, or

(6) Used any trade name or insignia of membership in any real estate organization of which he is not a member, or

(7) Accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal, or

(8) Solicited, sold, or offered for sale real property by offering "free lots" or conducting lotteries for the purpose of influencing a purchaser or prospective purchaser of real property, or

(9) Acted in the dual capacity of broker and undisclosed principal in any transaction, or

(10) Guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property, or

(11) Placed a sign on any property offering it for sale or for rent without the written consent of the owner or his authorized agent, or

(12) Induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu thereof a new contract with another principal, or

(13) Negotiated the sale, exchange or lease of any real property directly with an owner or lessor knowing that such owner or lessor had a written outstanding contract granting exclusive agency in connection with such property with another real estate broker, or

(14) Offered real property for sale or for lease without the knowledge and consent of the owner or his authorized agent, or any terms other than those authorized by the owner or his authorized agent, or

(15) Published advertising whether printed, radio, display, or any of any other nature which was misleading, or inaccurate in any material par-

ticular, or in any way has misrepresented any properties, terms, values, policies, or services of the business conducted, or

(16) Knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular, or

(17) Published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harrassing competitors or intimidating their customers.

This Section of this Act shall not be construed to relieve any person or company from civil liability or from criminal prosecution under this Act or under the laws of this State.

Sec. 12. The Administrator of the Securities Division of the office of the Secretary of State shall before suspending or revoking any license, notify in writing the licensee of any charges made in order to afford such licensee an opportunity to be heard, which notification shall be given at least ten (10) days prior to the date set for the hearing. The Administrator of the Securities Division of the office of the Secretary of State shall prescribe the time and place of the hearing. The Administrator of the Securities Division shall have no authority to promulgate rules or regulations which are not definitely set forth in this Act. Such written notice may be served by mailing same by registered mail to the last known business address of such licensee. If such licensee be a salesman, the Administrator of the Securities Division of the office of the Secretary of State shall also notify the real estate dealer employing him, specifying the charges made against such real estate salesman by sending a notice thereof by registered mail to the real estate dealer's last known address. At such hearing, or at any other provided for in this Act, the counsel, any and all persons complaining against him, and as well any other witness whose testimony is relied upon to substantiate the charges made. He shall also be entitled to present evidence, oral and written, as he may see fit, and as may be pertinent to the inquiry. The said hearing may be held by the Administrator of the Securities Division of the office of the Secretary of State or any person duly authorized by the Administrator of the Securities

Division of the office of the Secretary of State, which authorization shall be in writing and authenticated by the seal of the State, and the said hearing shall be held, if the applicant or licensee so desires, within the county where the applicant or licensee has his principal place of business. In such hearing all witnesses shall be duly sworn by the person herein authorized to preside, and stenographic notes of the proceedings shall be taken and filed as part of the records in the case. Any party to the proceedings desiring it shall be furnished with a copy of the stenographic notes upon the payment to the Administrator of the Securities Division of the office of the Secretary of State of a fee not to exceed Twenty-five (25) Cents per page.

Sec. 13. No person or company engaged in the business of acting in the capacity of a real estate dealer or real estate salesman within this State shall bring or maintain any action in the Courts of this State for the collection of compensation for the performance of any of the acts mentioned in Section 2, Subdivision (a) hereof, without alleging and proving that such person or company was a duly licensed real estate dealer or salesman at the time the alleged cause of action arose.

Sec. 14. The Administrator of the Securities Division of the office of the Secretary of State, or any person duly authorized by the Administrator of the Securities Division of the office of the Secretary of State, which authorization shall be in writing and authenticated by the seal of the State, may require by subpoena or summons issued by the Administrator of the Securities Division of the office of the Secretary of State or any person duly authorized to act for the Administrator of the Securities Division of the office of the Secretary of State, addressed to the sheriff or any constable, the attendance and testimony of witnesses and the production of any books, accounts, records, papers, and correspondence (except such books of account as are necessary to the continued conduct of the business, which books the Administrator of the Securities Division of the office of the Secretary of State shall have the right to examine or cause to be examined at the office of the concern and to require copies of such portion

thereof as may be deemed necessary) touching such matter in question, which copies shall be verified by affidavit of an officer of such concern and shall be admissible in evidence as provided in Section 18 hereof, relating to any matter which the Administrator of the Securities Division of the office of the Secretary of State has authority by this Act to consider or investigate, and for this purpose the Administrator of the Securities Division of the office of the Secretary of State, or any person duly authorized by the Administrator of the Securities Division of the office of the Secretary of State, may sign subpoenas, administer oaths and affirmations, examine witnesses and receive evidence. In case of disobedience of any subpoena or of the contumacy of any witness appearing before the Administrator of the Securities Division of the office of the Secretary of State, the Administrator of the Securities Division of the office of the Secretary of State or the person duly authorized to act for him may invoke the aid of the District Court within whose jurisdiction any witness may be found and such Court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or give evidence or produce books, accounts, records, papers, and correspondence touching the matter in question. Any failure to obey such order of the Court may be punished by such Court as a contempt thereof.

(b) The Administrator of the Securities Division of the office of the Secretary of State, or any person duly authorized by the Administrator of the Securities Division of the office of the Secretary of State, may in any investigation cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed for depositions in civil actions under the laws of Texas. Each witness required to attend any hearing provided for in this Act shall receive for each day's attendance the sum of Two (\$2.00) Dollars and shall receive in addition the sum of Five (5) Cents for each mile traveled by such witness by the usual route going to and returning from the place where his presence is required. All disbursements made in the payments of such fees shall be included in and paid in the same manner as is provided

for the payment of other expenses incident to the administration and enforcement of this Act, as hereinbefore provided for. The fee for serving the subpoena shall be the same as that paid the Sheriff for similar services. The fees, expenses, and costs incurred at or in connection with any hearing may be imposed by the Administrator of the Securities Division of the office of the Secretary of State upon any party to the record or may be divided between any and all parties to the record in such proportions as the Administrator of the Securities Division of the office of the Secretary of State may determine.

Sec. 15. (a) Any real estate dealer, real estate salesman, owner, or subdivider aggrieved by any decision of the Secretary of State may file within thirty (30) days thereafter in the District Court of the county in which he resides, or in the District Court in the county where his principal place of business is situated, a petition against the Secretary of State officially as defendant, alleging therein in brief detail the action and decision complained of and for an order directing the Secretary of State to license the applicant or grant an owner or subdivider a permit, as the case may be. Upon service of the summons upon the Secretary of State, returnable within ten (10) days from its date, the Secretary of State shall on or before the return day file an answer. The case shall be tried in the District Court de novo, upon its merits.

Section 15. (b) The District Court may, upon application of either party and upon due notice given, advance the case on the docket. From the decision of the District Court, an appeal may be taken to the Court of Civil Appeals by either party, as in other cases, and no bond shall be required by the Secretary of State. A judgment in favor of the plaintiff shall not bar after one year a new application by the plaintiff for a license, nor shall a judgment in favor of the plaintiff prevent the Secretary of State from thereafter revoking or refusing to license such person for any proper cause which may thereafter accrue or be discovered. The Court shall have full power to dispose of all costs.

Sec. 16. The Administrator of the Securities Division of the office of

the Secretary of State shall charge and collect the following fees and shall pay all fees received into the State Treasury.

(a) A fee of Three (\$3.00) Dollars for the filing of any original or renewal application of a real estate dealer, which fee shall include the cost of the issuance of a license if any should be issued.

(b) A fee of Three (\$3.00) Dollars for the filing of any original or renewal application of a real estate dealer, which fee shall include the cost of the license, who is a member of a partnership, or association or an officer of a corporation licensed under the provisions of this Act, other than the member of the partnership, or association or the officer of the corporation named in the license issued to such partnership, association, or corporation.

(c) A fee of Three (\$3.00) Dollars for the filing of any original or renewal application of a real estate salesman, which fee shall include the cost of the issuance of the license if any should be issued.

(d) A fee of One (\$1.00) Dollar for each duplicate license where the original license is lost or destroyed and an affidavit made thereof, and where a duplicate is required for a branch office in this State.

(e) A fee of One (\$1.00) Dollar for each duplicate or transfer of salesman's license.

Sec. 17. All licenses issued under the provisions of this Act shall expire on December 31st of each year at midnight, and application for the renewal thereof shall be made in such form as the Administrator of the Securities Division of the office of the Secretary of State shall prescribe. Applications for renewal of said licenses may be made between the 15th day of November and the 31st day of December.

Sec. 18. Upon and after the effective date of this Act, all moneys derived from fees, assessments, or charges under this Act, shall be paid by the Administrator of the Securities Division of the office of the Secretary of State into the State Treasury for safekeeping, and shall by the State Treasurer be placed in a separate fund to be available for the use of the Administrator of the Securities Division of the office of the Secretary of State in the admin-

istration of this Act upon requisition of the Administrator of the Securities Division of the office of the Secretary of State. All such moneys so paid into the State Treasury are hereby specifically appropriated to the Administrator of the Securities Division of the office of the Secretary of State for the purposes of paying the salaries and expenses of all persons employed or appointed as provided herein for the administration of this Act, and all other expenses necessary and proper for the administration of this Act, including equipment and maintenance of any supplies for such offices or quarters as the Administrator of the Securities Division of the office of the Secretary of State may occupy, and necessary traveling expenses for the Administrator of the Securities Division of the office of the Secretary of State or persons authorized to act for him when performing duties hereunder at the request of the Administrator of the Securities Division of the office of the Secretary of State. At the end of the calendar year, any unused portion of said funds in said special account shall be set over and paid into the General Revenue Fund. The Comptroller shall upon requisition of the Administrator of the Securities Division of the office of the Secretary of State from time to time draw warrants upon the State Treasurer for the amount specified in such requisition, not exceeding, however, the amount in such fund at the time of making any requisition, provided however that all moneys expended in the administration of this Act shall be specified and determined by itemized appropriation in the general departmental bill for the office of Secretary of State and not otherwise.

Sec. 19. Copies of all papers, instruments, or documents filed in the office of the Administrator of the Securities Division of the office of the Secretary of State certified under the Seal of the State of Texas, shall be admitted to be read in evidence in all Courts of law and elsewhere in this State in all cases where the original would be admitted in evidence, provided that in any proceeding in the Court having jurisdiction, the Court may on cause shown require the production of the originals. In any prosecution, action, suit or proceeding before any of the several Courts of this State, based upon or arising out

of or under the provisions of this Act, a certificate under the Seal of the State duly signed by the Administrator of the Securities Division of the office of the Secretary of State showing compliance or noncompliance with the provisions of this Act respecting compliance or noncompliance with the provisions of this Act by any real estate dealer or salesman, shall constitute prima facie evidence of such compliance or noncompliance with the provisions of this Act, as the case may be, and shall be admissible in evidence in any action at law or in equity to enforce the provisions of this Act.

Sec. 20. It shall be unlawful for any real estate dealer or real estate salesman to offer, promise, allow, give, or pay directly or indirectly any part or share of his commission or compensation arising or accruing from any real estate transaction to any person who is not a licensed dealer or salesman in the consideration of service performed or to be performed by such unlicensed person, and no real estate salesman shall be employed by or accept compensation from any person other than the dealer under whom he is at the time licensed, and it shall be unlawful for any licensed real estate salesman to pay a commission to any person except through the dealer under whom he is at the time licensed.

Sec. 21. Any person, or agent, officer, or employee of any company, acting as a real estate dealer or real estate salesman within the meaning of this Act, without first having been licensed by the Administrator of the Securities Division of the office of the Secretary of State, and every officer, agent, or employee of any company, and every other person who knowingly authorizes, directs, or aids in the publication, advertisement, distribution, or circulation of any false statement or representation concerning any land or subdivision offered for sale or lease, and every person who, with knowledge that any advertisement, pamphlet, prospectus, or letter concerning any land or subdivision contains any written statement that is false or fraudulent issues, circulates, publishes, or distributes the same, or shall cause the same to be issued, circulated, published, or distributed, or who, in any other respect, willfully violates or fails to comply with any provisions of this Act, or who in any other respect willfully violates or

fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand, or requirement of the Administrator of the Securities Division of the office of the Secretary of State under this Act as herein provided, shall upon conviction therefor be sentenced to pay a fine of not more than Five Hundred (\$500) Dollars or imprisonment in the county jail for not more than one year or both such fine and imprisonment.

Sec. 21 (a) This Act shall not apply to the sale of any property when such sale is made by the owner, or one of the owners, or the attorney for said owner or owners.

Sec. 22. No action shall be brought in any court in this State for the recovery of any commission for the sale or purchase of real estate unless the promise or agreement upon which such action shall be brought, or some memorandum thereof, shall be in writing and signed by the party to be charged therewith or by some person by him thereunto lawfully authorized. This provision shall not apply to any action for commissions pending in any court in this State at the effective date of this Act.

Sec. 23. If any Section, Subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 24. The importance of this Act and the need of more efficient and effective means of preventing fraud in the sale of real estate, and the need of a more efficient and effective means of regulating the real estate business, creates an emergency and an imperative public necessity that the Constitutional Rule which requires that bills be read on three several days in each House be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Boyer, the Report was adopted.

RELATIVE TO CONFERENCE COMMITTEE ON HOUSE BILL NO. 72

Mr. Hull offered the following resolution:

H. C. R. No. 208, Relative to Conference Committee on House Bill No. 72.

Be it resolved by the House of Representatives, the Senate concurring, That the Conference Committee appointed to adjust the differences between the two Houses on House Bill No. 72 be discharged and a new Conference Committee be appointed.

The resolution was read second time.

Question—Shall the resolution be adopted?

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 433, "An Act to enable common school districts in each county of Texas having a population of not less than eleven thousand, twenty-one (11,021) nor more than eleven thousand, fifty (11,050), according to the latest Federal Census, to vote bonds, levy taxes for the same, for the purpose of purchasing not more than one school bus, etc., and declaring an emergency."

S. B. No. 261, "An Act making it unlawful to kill quail in Gaines, Terry and Yoakum Counties, Texas, for a period of five years, etc., and declaring an emergency."

H. B. No. 426, "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years beginning September 1, 1936, and ending August 31, 1938, and declaring an emergency."

H. B. No. 791, "An Act making it unlawful to take or kill by trap, snare, or deadfall any fur-bearing animals in the Counties of Harrison and Gregg; providing certain exceptions; providing the length of this Act; prescribing a penalty, and declaring an emergency."

H. B. No. 1136, "An Act amending Article 2844 of the Revised Civil Stat-

utes of 1925, and declaring an emergency."

H. J. R. No. 45, Proposing an amendment to Article 8, Section 9, of the Constitution of the State of Texas by adding a new Section thereto to be known as Section 9-A; providing that the Commissioners' Court of Red River County, after a majority vote of the resident qualified electors owning taxable property therein, shall have the authority to levy a tax of not to exceed Twenty-five (25c) Cents on the One Hundred (\$100.00) Dollar valuation for a period not exceeding fifteen (15) years for the purpose of refunding the outstanding warrant indebtedness of the General Fund of the County by the issuance of bonds under the provisions of the General Laws regulating the refunding of outstanding debts of the county; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation; publication and election.

ADJOURNMENT

Mr. Harris moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Baker of Grayson moved that the House recess until 8:00 o'clock a. m., tomorrow.

Mr. Derden moved that the House recess until 8:00 o'clock p. m., today.

Mr. Celaya moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Davis of Upshur moved that the House adjourn until 11:59 o'clock a. m., tomorrow.

The motion of Mr. Celaya prevailed, and the House, accordingly, at 6:20 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Education: House Bill No. 1140.

School Districts: Senate Bill No. 435.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1141, A bill to be entitled "An Act creating a special road law for Frio County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 12th, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1096, A bill to be entitled "An Act to create the appointive office of Assistant to the County Judge and to provide an equitable and sufficient salary thereto, repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1139, A bill to be entitled "An Act to authorize the Commissioners' Court of Childress County to make a land grant to the State Park Board of the State of Texas for the purpose of creating a State park, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 200, Granting Tilford Moore permission to sue the State of Texas and/or the State Highway Department.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 198, To put into effect immediately House Bill No. 912 of the Forty-sixth Legislature.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 205, Suspending Joint Rules of both Houses so that the Senate can take up and consider on third reading and final passage of House Bill No. 344.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 204, Resolving that Rules and Joint Rules of both Houses be suspended so that the House and the Senate can take up and consider certain bills.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 201, Granting the District Judges of certain Districts in

the State of Texas permission to leave the State during the years 1939 and 1940.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 426, "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years beginning September 1, 1936, and ending August 31, 1938, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 194, Granting aid to counties included in the provisions of Senate Bill No. 89.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 193, Granting Mrs. Woodie Spore permission to sue the State.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 190, Granting Mrs. V. E. Howard permission to bring

suit against the State of Texas and the State Highway Department.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 190, "An Act making it unlawful to obtain with intent to defraud, money, goods, service, labor, or other thing of value, by giving or drawing any check, draft, or order upon any bank, person, firm, or corporation, if the person drawing or giving such instrument does not at the time it is so given or drawn have sufficient funds with the drawee to pay such instrument and all other checks, drafts, or orders upon such funds outstanding at the time such instrument is given or drawn; providing nonpayment of such instrument upon presentation to be prima facie evidence that the maker or giver thereof had insufficient funds with the drawee to pay same at the time made or given and that the maker or giver thereof gave or drew such instrument with intent to defraud; and providing proof of the deposit of such instrument with a bank for collection and return thereof to depositor unpaid to be prima facie evidence of presentation and nonpayment; and providing notice of protest to be prima facie evidence of presentment to drawee and nonpayment; and further making it unlawful to pay for any goods, service, labor, or other thing of value with intent to defraud, by giving or drawing a check, draft or order upon any bank, person, firm, or corporation, if the person giving or drawing such instrument does not at the time it is so given or drawn have sufficient funds with the drawee to pay such instrument and all other checks, drafts, or orders upon such funds outstanding at the time such instrument is given or drawn; providing nonpayment of such instrument upon presentation to be prima facie evidence that the maker or giver thereof had insufficient funds with the drawee to pay same at the time made or given and that the maker or giver thereof, gave or drew such instrument with intent to defraud; and providing proof of the deposit of such instrument with

a bank for collection and return thereof to depositor unpaid to be prima facie evidence of presentation and nonpayment; and providing notice of protest to be prima facie evidence of presentment to drawee and nonpayment; and further making it unlawful to secure or retain possession of any personal property to which a lien has attached by the drawing or giving of any check, draft, or order upon any bank, person, firm, or corporation, if the person drawing or giving such instrument does not at the time it is so drawn or given have sufficient funds with the drawee to pay such instrument and all other checks, drafts, or orders upon such funds outstanding at the time such instrument is given or drawn; providing nonpayment of such instrument upon presentation to be prima facie evidence that the maker or giver thereof had insufficient funds with the drawee to pay same at the time made or given and that the maker or giver thereof gave or drew such instrument with intent to defraud; and providing proof of the deposit of such instrument with a bank for collection and return thereof to a depositor unpaid to be prima facie evidence of presentation and nonpayment; providing notice of protest to be prima facie evidence of presentment to drawee and nonpayment; and providing removal of such personal property from the premises where located at the time such instrument is drawn or given to be prima facie evidence that possession of such property was retained or secured by the giving of such instrument; making it unlawful for any person who has heretofore filed a complaint with a district or county attorney concerning a violation of certain sections of this Act, or who has given information to a district or county attorney resulting in the acceptance of a complaint concerning such violations or who has testified before a grand jury concerning such violations which returns an indictment thereon, to request or suggest to the district or county attorney in charge of the prosecution that prosecution be dismissed; providing for the issuance of process and the summoning and remuneration of witnesses in prosecutions under certain sections of this Act; repealing Section 4 of Article 1546 of the Penal Code of the State of Texas, Revision of 1925; providing punishment for vio-

lation; providing a saving clause; and declaring an emergency.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 179, Granting A. J. Clingan permission to sue the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 171, Authorizing the Metropolitan Building and Loan Association, et al, to sue the State.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1108, "An Act providing that taxes levied by other entities under and by virtue of Article 3, Section 52 of the Constitution shall never be reckoned in determining the power of any city or town to levy taxes; providing that in the event of conflict between this Act and any provisions of a city charter or of a special law constituting a charter of a city the provisions of this Act shall prevail; providing that this Act shall not apply except as to cities and towns which on the effective date of

this Act did not own any of the following utilities: water system, sanitary sewer system, electric light system, or natural gas distribution system; providing that the provisions of this Act shall not in any manner validate any obligations issued by any such city or town, the validity of which obligations is in litigation at the time this Act becomes effective, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1104, "An Act fixing the compensation for County Commissioners in certain counties; providing the manner of payment and prescribing the funds from which it shall be paid; repealing all laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

June 20, 1939

House Bill No. 1108

House Bill No. 1104

House Bill No. 190

House Bill No. 912

House Concurrent Resolution No. 193

House Concurrent Resolution No. 179

House Concurrent Resolution No. 190

House Concurrent Resolution No. 194

House Concurrent Resolution No. 171

In Memory of
Hon. Tom J. Cunningham

Mr. Burkett offered the following resolution:

H. S. R. No. 329, In memory of Hon. Tom J. Cunningham.

Whereas, On Friday morning at 4:30, June 16, 1939, the Honorable Tom J. Cunningham was called to his eternal reward; and

Whereas, Mr. Cunningham was a former Member of the House of Representatives, serving District No. 106 with outstanding ability and distinction as a statesman and gentleman; and

Whereas, Mr. Cunningham passed away in Corpus Christi, and was taken to his home town, Comanche, Texas, for burial. He leaves a wife, a daughter, and two sons; and

Whereas, The Members of the House of Representatives deeply regret the passing of this former Member, and wish to extend sympathy to the bereaved family; now, therefore, be it

Resolved by the House of Representatives, That the bereaved family be extended the sincere sympathy of every Member of the House of Representatives at this sad time, and that copies of this resolution be sent to the members of the family; and, be it further

Resolved, That this resolution be spread on the pages of the House Journal, and when the House adjourns today, it be in respect to the memory of a distinguished citizen, the Honorable Tom J. Cunningham.

BURKETT,
FUCHS,
POPE,
NICHOLSON,
CROSSLEY,
CHAMBERS,
HOWINGTON.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burney, Cauthorn, Celaya, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhous, Montgomery, Morris, Newell, Oliver, Pace, Petsch, Pevehouse, Piner, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Derden, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.